

STATUTES OF CALIFORNIA

PASSED AT THE

FORTY-FIFTH SESSION OF THE LEGISLATURE

CHAPTER 1.

An act to validate certain bonds of certain levee and joint levee districts and all proceedings relative thereto, and to provide for the levy and collection of taxes to pay the principal and interest on such bonds, and to declare the urgency of said act.

[Approved January 23, 1923.]

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

SECTION 1. Whenever prior to the taking effect of this act proceedings have been taken by any levee district or joint levee district organized or purported to be organized under any general law or laws of this state, for the issuing and selling of bonds of such district, for any purpose or purposes, all the acts and proceedings of the board of trustees of such district and all of the acts of the board of supervisors of the county or counties in which such district or any part thereof is situated and all of the acts of all public officers in connection therewith leading up to and including the issuance of such bonds if they have hitherto been issued or sold, and all such acts and proceedings heretofore had although the bonds are not yet issued or sold, are hereby legalized, ratified, confirmed and validated to all intents and purposes, and the power of such district to issue such bonds is hereby acknowledged, granted, ratified, confirmed and declared, and the bonds heretofore issued and sold and the bonds heretofore authorized to be issued which may be hereafter issued and sold, are declared to be and shall be the legal and binding obligations of, and against the district having heretofore issued, or hereafter issuing, such bonds, and the faith and credit of such district is hereby pledged for the prompt payment and redemption of the principal and interest of said bonds.

Levee
district
bonds
validated.

SEC. 2. For the purpose of paying the interest on such bonds as it becomes due and the principal thereof at maturity, the board of trustees of the levee district and the board of supervisors of the county or counties in which such levee district or any part thereof lies, and the various county officers of the respective counties who are charged with duties in connection with the assessment, levy and collection of taxes, shall have the same powers and shall perform the same duties as are provided by law relative to the assessment, levy and collection of taxes, and custody of funds, for the payment of the principal and interest of bonds of levee dis-

Levy of
taxes

tricts and joint levee districts respectively, at the times and in the manner respectively set forth in the respective law or laws authorizing or purporting to authorize the incurring of bonded indebtedness or issuance of bonds by such districts.

Bonds
excepted.

SEC. 3. This act shall not operate to legalize the sale hereafter of any bonds of any such district at a price of less than par, nor to legalize any bonds in cases where the question of issuing the same has been submitted to the vote of the qualified electors or of the taxpayers, and has failed to obtain the number of favorable votes required by the particular statute under which the proceedings were taken.

Urgency
measure.

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section one, article four of the constitution of the State of California, and shall take effect immediately.

The facts constituting such urgency are as follows:

In many of the levee districts of the state proceedings have been taken under one or more general laws looking toward or resulting in the issuance of bonds of such districts. Divers irregularities which the legislature deems and declares not to affect injuriously the public interest or any private rights have occurred in connection with said proceedings and among other matters serious doubt has arisen whether the incurring of a bonded indebtedness for certain public purposes frequently mentioned in such bond proceedings has been duly authorized by any existing statutes. For these reasons the marketability of many of such issues has been most injuriously affected and many districts are unable to sell bonds when offered for sale and can not continue the work of constructing levees, ditches, canals, and various other protective works to insure such levee districts and the inhabitants thereof against loss and injury by reason of floods and overflows, and said districts can not make maturing payments on contracts for doing such work, and the danger occasioned thereby to life, health and property is urgent because of the pending and threatened high water, floods and freshets of the late winter, spring and early summer.

CHAPTER 2.

An act making an appropriation to defray the expenses of legislative mailing handled by the chief of the division of printing of the department of finance for the forty-fifth session of the legislature of the State of California.

[Approved January 29, 1923.]

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

Appropriation:
legislative
mailing.

SECTION 1. The sum of three thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of

any moneys in the state treasury not otherwise appropriated, to defray the expense of mailing handled by the chief of the division of printing of the department of finance during the forty-fifth session of the legislature of the State of California.

SEC. 2. This act inasmuch as it provides for an appropriation for the usual current expenses of the state shall, under the provisions of section one of article four of the constitution take effect immediately. Urgency measure.

CHAPTER 3.

An act to amend section four of an act entitled "An act concerning tunnels, tubes and subways under navigable streams and bodies of water in the State of California," approved March 23, 1911.

[Approved January 30, 1923.]

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

SECTION 1. Section four of an act entitled "An act concerning tunnels, tubes and subways under navigable streams and bodies of water in the State of California," approved March 23, 1911, is hereby amended to read as follows: Stats. 1911, p. 475, amended.

4. Whenever any such tube, tunnel or subway, or any part thereof, shall reach within the limits of any incorporated town, or city, or city and county, and the governing body of each of such incorporated towns, or cities, or cities and counties, and the board of supervisors of the county in which such incorporated towns, or cities, are situated shall first so agree, the board of supervisors shall have the power to call an election and submit to the electors of said county the question whether bonds of said county shall be issued and sold for the purpose of building and constructing such tube, tunnel or subway in the manner prescribed in section one of this act. When tunnel reaches within limits of city.

SEC. 2. Inasmuch as this act concerns and is necessary to the immediate preservation of the public safety for the reason that the officials of the United States government have declared that two of the present bridges crossing the estuary between Oakland and Alameda, in the county of Alameda, are a menace to navigation and dangerous to the lives and property on vessels navigated on the estuary and must be removed at once, and a subway or tube can not be constructed until the above entitled act be amended, this act is hereby declared to be an urgency measure within the meaning of section one of article four of the constitution of the State of California and it shall take effect immediately. Urgency measure.

CHAPTER 4.

An act to legalize bonds heretofore issued and sold, or to be issued and sold, by municipalities where authority for such issuance has already been given by vote of not less than two-thirds of the electors of such municipality voting upon the question of incurring such indebtedness.

[Approved February 2, 1923.]

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

Municipal
bonds
validated

SECTION 1. In all cases where the legislative branch of any municipality in this state has deemed it necessary to incur an indebtedness in excess of the ordinary annual income and revenue of such municipality, for any purpose or purposes, and has called an election for the purpose of submitting to the qualified electors of such municipality the question whether such indebtedness shall be incurred, and where at such election not less than two-thirds of all the qualified electors voting thereat shall have voted in favor of incurring such indebtedness, and the mode of creating such indebtedness has been by the proposed issuance of the bonds of such municipality, the power of such municipality to issue such bonds and all the acts and proceedings of such municipality leading up to and including the issuance and sale or the proposed issuance and sale of such bonds are hereby legalized, ratified, confirmed and declared valid to all intents and purposes; and all such bonds, sold either before or after the passage of this act for not less than their par value are hereby legalized and declared to be legal and valid obligations of and against such municipality so issuing and selling the same, and the faith and credit of such municipality is hereby pledged for the prompt payment and redemption of the principal and interest of said bonds.

Levy of
taxes.

SEC. 2. The legislative branch of such municipal corporation shall at the time of fixing the general tax levy and in the manner for such general tax levy provided, levy and collect annually each year until said bonds are paid, or until there shall be a sum in the treasury of said municipal corporation, set apart for that purpose sufficient to meet all sums coming due for the principal and interest on such bonds a tax sufficient to pay the annual interest on such bonds and also such part of the principal thereof as shall become due before the time for fixing the next general tax levy; *provided, however*, that if the maturity of the indebtedness created by the issue of bonds be made to begin more than one year after the date of the issuance of such bonds, such tax shall be levied and collected at the time and in the manner aforesaid annually each year, sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof on or before maturity. The taxes herein required to be levied and collected shall be in addition to all other taxes levied for municipal purposes and shall be collected at the time and in the same manner as other

municipal taxes are collected and be used for no other purpose than for the payment of said bonds and the accruing interest thereon.

SEC. 3. This act shall not operate to legalize any bonds which have been sold for less than par, nor to legalize any bonds the issuance of which has not received the assent of two-thirds of the qualified electors of such municipal corporation, voting at an election held for the purpose of determining whether such indebtedness should be incurred, nor to legalize any bonds which mature at a date more than forty years from the time of their issuance. Bonds
excepted.

SEC. 4. This act is hereby declared to be an urgency measure within the meaning of section one of article four of the constitution of the State of California, and shall take effect immediately. Urgency
measure.

The following is a statement of the facts constituting such urgency:

The lives of many school children are endangered by reason of the fact that they are compelled to cross railroad tracks and highways on their way to school. In order that cities of the sixth class can properly take care of this dangerous condition, bonds have been issued which have been questioned as to their legality. Each day that the sale of bonds is delayed is dangerous to the life of little children and makes the immediate passage of this act necessary.

CHAPTER 5.

An act making an appropriation for the completion of the printing plant at Sacramento.

[Approved February 2, 1923.]

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

SECTION 1. The sum of eighty-six thousand eight hundred dollars or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be expended in accordance with law in completing the state printing plant in Sacramento. Appropriation:
completion state
printing
plant.

SEC. 2. Inasmuch as the present state printing plant has been condemned by the department of engineering as in an unsafe and dangerous condition and is liable at any time to collapse and cause the death of the state employees working in said plant, and owing to the fact that the appropriation made by the forty-fourth session of the legislature has been inadequate to complete the new printing plant, which is now under course of construction, this act is hereby declared an urgency measure and shall, under the provisions of section one of article four of the constitution, take effect immediately. Urgency
measure

CHAPTER 6.

An act making an appropriation for the completion of the state building at San Francisco.

[Approved February 2, 1923.]

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

Appropriation: completion San Francisco state building.

SECTION 1. The sum of two hundred five thousand nine hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be expended in accordance with law for the completion of the state building at San Francisco.

Urgency measure.

SEC. 2. Inasmuch as it is necessary to complete the building as rapidly as possible as leases for the various state offices in San Francisco have expired and it is impossible to procure new quarters, this act is declared to be necessary for the public interest and to be an urgency measure and shall, under the provisions of section one of article four of the constitution, take effect immediately.

CHAPTER 7.

An act making an appropriation to meet a deficiency in the appropriation for printing and distributing constitutional amendments submitted to the voters at the election held November 7, 1922.

[Approved February 2, 1923.]

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

Appropriation: printing constitutional amendments.

SECTION 1. The sum of thirty-one thousand eight hundred twenty-three dollars and six cents is hereby appropriated out of any money in the state treasury not otherwise appropriated to meet the deficiency in the appropriation for printing and distributing constitutional amendments, submitted to the voters at the election held November 7, 1922.

Urgency measure.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the state, it is hereby declared an urgency measure and shall, under the provisions of section one of article four of the constitution, take effect immediately.

CHAPTER 8.

An act to amend section four thousand two hundred forty-three of the Political Code, relating to the salaries of county and township officers and their deputies in counties of the fourteenth class, and fixing their mileage and per diem of grand and trial jurors in such counties.

[Approved March 9, 1923.]

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

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

4243. In counties of the fourteenth class the county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

Counties of
14th class,
salaries of
officers.

1. The county clerk, two thousand seven hundred dollars per annum and such fees as are allowed by law; *provided*, that he shall appoint one chief deputy at a salary of one thousand eight hundred dollars per annum, two courtroom deputies at a salary of one thousand five hundred dollars per annum each, two office deputies at one thousand five hundred dollars per annum each, and one copyist at a salary of one thousand two hundred dollars per annum, whose duty it shall be to act as copyist for the county clerk as such, as well as for the clerk as ex officio clerk of the board of supervisors and do copying work when required by the board of supervisors; and deputy clerks not to exceed three in number for the purpose of registering electors in the office of the county clerk, to be paid at not to exceed seventy-five dollars per month each; *provided*, that such deputies so employed for registering electors shall not be employed except during a year when a general election is held throughout the state and said deputies shall be employed only between the first day of January and the first day of December of such years; one or more deputies for the purpose of registering electors in said years, who shall receive a compensation of ten cents for each elector legally registered by them, and shall receive no other compensation or expenses. Each of said deputies to be paid at the same time and in the same manner as county officers are paid.

County clerk.

2. The sheriff, two thousand five hundred dollars per annum; *provided*, he shall appoint one under sheriff at a salary of one thousand nine hundred eighty dollars per annum and four deputy sheriffs at a salary of one thousand eight hundred dollars per annum each; one deputy sheriff at a salary of one thousand two hundred dollars per annum; and one deputy sheriff to be paid for only between June first and October first each year (four months), at a salary of one hundred dollars per month; and a person to act as matron of the county jail at a salary of one hundred dollars per month. Said under sheriff and each of said deputies and assistants shall be paid at the same time and in the same manner as county officers are

Sheriff.

paid. The sheriff shall also receive such fees as are allowed sheriffs by section four thousand three hundred b of the Political Code of the State of California, except that for traveling in the service of any paper required by law to be served, in either civil or criminal process or proceeding for each mile actually and necessarily traveled, one way only, twenty cents. No constructive mileage to be allowed.

Recorder

3. The recorder, two thousand seven hundred dollars per annum; *provided*, that the recorder shall appoint one chief deputy at a salary of one thousand eight hundred dollars per annum, one deputy at a salary of one thousand five hundred dollars, four copyists at a salary of one thousand eighty dollars each per annum, to be paid at the same time and in the same manner as county officers are paid.

Auditor.

4. The auditor, two thousand seven hundred dollars per annum; *provided*, that the expenses incurred, if any, in making extensions of assessments and tax rolls shall be paid out of said sum of two thousand seven hundred dollars, compensation above mentioned; *and provided, further*, that said auditor shall appoint one deputy at a salary of one thousand eight hundred dollars per annum; one deputy at a salary of one thousand two hundred dollars per annum, and two copyists at a salary of one thousand eighty dollars per annum each, to be paid at the same time and in the same manner as county officers are paid.

Treasurer

5. The treasurer, two thousand five hundred eighty dollars per annum, and such fees as are now or may hereafter be allowed by law; *provided*, that the treasurer shall appoint one deputy at a salary of one thousand five hundred dollars per annum, to be paid at the same time and in the same manner as county officers are paid.

Tax collector

6. The tax collector, three thousand dollars per annum; *provided*, that said tax collector shall appoint one revenue and taxation deputy at a salary of one thousand five hundred dollars per annum; *and provided, further*, that he shall appoint one stenographer to be paid only between July first and January first of each year, at a salary of seventy-five dollars per month; *and provided, further*, that he shall be allowed additional help to be employed by him when needed, at an expense of not to exceed the sum of one thousand three hundred fifty dollars in any one year, to be paid at the same time and in the same manner as county officers are paid.

Assessor

7. The assessor, three thousand dollars per annum; *provided*, that the assessor shall appoint one assistant assessor at a salary of one thousand eight hundred dollars per annum, one chief deputy at a salary of one thousand six hundred twenty dollars per annum and one title transfer deputy at a salary of one thousand three hundred twenty dollars per annum, one draftsman at a salary of one thousand three hundred twenty dollars per annum, one property ownership deputy at a salary of one thousand three hundred twenty dollars per annum, and one office deputy at a salary of one thousand three hundred

twenty dollars per annum. The salaries of which deputies shall be paid in the same manner and at the same time and from the same funds as county officers are paid. The assessor may also appoint as many deputies as may be necessary to carry on his work at an expense to the county not to exceed four thousand dollars during any fiscal year. The salaries of which last named deputies shall be paid at the same time and in the same manner and from the same fund as the assessor is paid. The amount of each of which payments shall be determined by the auditor from a certificate furnished by the assessor showing the person and amount to which payments are due and the period of time for which compensation is made, or, the salaries of said deputies may be paid by claim presented to the board of supervisors in regular form and approved by the assessor, the total amount of which claims, however, shall not exceed the sum of four thousand dollars above mentioned, for any one fiscal year. The assessor shall also receive six per cent of the personal property tax collected by him and the amount allowed by law for making out the military roll.

8. The district attorney, three thousand dollars per annum; *provided*, that he shall appoint one assistant district attorney at a salary of two thousand four hundred dollars per annum, and one deputy district attorney at a salary of one thousand eight hundred dollars per annum, and one stenographer at a salary of one thousand two hundred dollars per annum; said assistant, deputy and stenographer to be paid at the same time and in the same manner as county officers are paid. District attorney.

9. The coroner, such fees as are now or may be hereafter allowed by law; *provided*, that the coroner shall appoint one stenographer at a salary of six hundred dollars per annum, to be paid at the same time and in the same manner as county officers are paid. Coroner.

10. The public administrator, such fees as are now or may be hereafter allowed by law. Public administrator.

11. The superintendent of schools, three thousand dollars per annum, and actual traveling expenses when visiting schools of his county; *provided*, such superintendent of schools may appoint an assistant superintendent of schools at a salary of one thousand eight hundred dollars per annum, one deputy at a salary of one thousand two hundred dollars per annum, and one deputy at a salary of one thousand two hundred dollars per annum, payable at the same time and in the same manner as county officers are paid. Superintendent of schools.

12. The surveyor, one thousand eight hundred dollars per annum for all work performed for the county, and in addition thereto all necessary and actual traveling expenses incurred in connection with field work, and all fees allowed by law; *provided*, that out of the compensation hereinabove provided he shall pay the cost of platting, tracing or otherwise preparing maps, plats or block books for the use of the county assessor; *provided, further*, that all property ownership books, data, and transcript records required for making such maps, plats, or block books shall be procured at the expense of the Surveyor.

county in such manner and by such persons as the board of supervisors may direct; *and provided, further*, that the fees for land surveys, except when done for the county, shall be ten dollars per day, or fraction thereof, and in addition thereto all necessary and actual traveling expenses. And it shall be the duty of the county surveyor to prepare and furnish all necessary plans and specifications for all bridges and bridge work, in addition to his other duties, without extra compensation. He shall appoint a deputy at a salary of one thousand dollars per annum, payable at the same time and in the same manner as county officers are paid: *provided, however*, that in cases of emergency additional help may be furnished the county surveyor by the board of supervisors at a compensation to be fixed by the board.

Justices
of peace.

13. The justices of the peace, the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases.

In townships having a population of fifteen thousand or more, two hundred dollars per month;

In townships having a population of over eight thousand and less than fifteen thousand, one hundred fifteen dollars per month;

In townships having a population of six thousand and less than eight thousand, seventy-five dollars per month;

In townships having a population of four thousand and less than six thousand, fifty-five dollars per month;

In townships having a population of two thousand and less than four thousand, forty dollars per month;

In townships having a population of one thousand and less than two thousand, thirty dollars per month;

In townships having a population of less than one thousand, twenty dollars per month;

In townships having a population of less than nine hundred, fifteen dollars per month.

Each justice of the peace must pay into the county treasury, once a month all fines collected by him; *and provided, further*, that for the purposes of this subdivision the population of the several townships shall be ascertained from the United States census reports of 1920.

Constables.

14. In townships having a population of fifteen thousand or more, constables shall receive as compensation in lieu of all fees in criminal cases, the sum of one hundred twenty-five dollars per month; in townships having a population of eight thousand and less than fifteen thousand, the sum of eighty-five dollars per month; in townships having a population of six thousand and less than eight thousand, the sum of fifty dollars per month; in townships having a population of four thousand and less than six thousand, twenty-five dollars per month; in townships having a population of one thousand five hundred and less than four thousand, fifteen dollars per month; in townships having a population of one thousand and less than one thousand five hundred, ten dollars per month; in townships

having a population of less than one thousand, five dollars per month; *provided*, that in addition to the fees and salaries herein allowed, each constable shall receive for traveling expenses outside of his own township, but within his own county, for the service of a civil or criminal process, the sum of fifteen cents per mile for each mile actually and necessarily traveled, one way only, no constructive mileage to be allowed; *and provided, further*, that such salaries for services in criminal cases shall be paid at the same time and in the same manner as the salaries of county officers are paid; *and provided, further*, that in addition to the salaries provided herein, constables in all townships shall receive for their own use the fees which are now or may hereafter be allowed by law in civil cases; *and provided, further*, that for the purposes of this subdivision, the population of the several townships shall be ascertained from the United States census report of 1920.

15. Each member of the board of supervisors for all services required of them by law, or by virtue of their office, except as road commissioners, shall be allowed one thousand two hundred dollars per annum as a salary, and fifteen cents per mile in traveling to and from his place of residence to the courthouse; *provided*, that only one mileage must be allowed at each term; *and provided, further*, that said salary and mileage shall be in lieu of all fees otherwise provided by law for supervisors. Each supervisor shall receive for services as road commissioner, thirty cents per mile one way for all distances actually traveled by him in the performance of his duties; *provided*, that he shall not in any one year receive more than six hundred dollars as such road commissioner; *provided*, that no member of the board of supervisors or other county officer, shall, except for his own services or expenses, present or verify by his oath attached thereto, any claim, account, or demand for allowance against the county.

Supervisors.

16. All salaries herein not otherwise provided for shall be paid out of the treasury of said county in equal monthly payments on the last day of each month.

Salaries paid monthly.

17. The fees for jurors in counties of this class shall be as follows: For attending as a grand juror or juror in the superior court, for each day's attendance, while serving as such juror, per day, three dollars; for each day's attendance when not selected to serve, two dollars. For attending justice's court, for each juror sworn to try the cause, per day, in civil cases, only, one dollar and fifty cents. A juror excused at his own request shall not be entitled to a per diem fee. For each mile actually and necessarily traveled in attending court as a juror, except in criminal cases in justice's court, for which no allowance shall be made, in going only, per mile, fifteen cents.

Jurors.

SEC. 2. Inasmuch as there is under this section of the code, as amended June 1, 1921, no provision covering the salaries of constables of townships of a population of one thousand five hundred and less than four thousand and said officers of

Urgency measure.

said townships are without any provisions covering their salaries, this act is declared to be necessary for the immediate preservation of the public peace and safety and to be an urgency measure within the meaning of section one of article four of the constitution.

CHAPTER 9.

An act making an appropriation to meet the deficiency in the appropriation of mileage for assemblymen for the seventy-third and seventy-fourth fiscal years.

[Approved March 14, 1923.]

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

Deficiency
appropriation:
mileage
of assembly-
men.

SECTION 1. The sum of sixty-four dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to meet the deficiency in the appropriation for the mileage of assemblymen for the seventy-third and seventy-fourth fiscal years.

Urgency
measure.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the state it is hereby declared an urgency measure and shall, under the provisions of section one, article four of the constitution, take effect immediately.

CHAPTER 10.

An act to amend section twelve of an act entitled, "An act to regulate the erection, construction, reconstruction, moving, alteration, maintenance, use and occupancy of hotels, and the maintenance, use and occupancy of the premises and land on which hotels are erected or located, in all parts of the State of California, including incorporated towns, incorporated cities, and incorporated cities and counties, and to provide penalties for the violation thereof; and repealing an act entitled 'An act to regulate the building and occupancy of hotels and lodging houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof,' approved June 16, 1913, statutes of California of 1913, page 1429," approved May 31, 1917.

[Approved March 19, 1923.]

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

Stats. 1917,
p. 1431,
amended.

SECTION 1. Section twelve of an act entitled, "An act to regulate the erection, construction, reconstruction, moving, alteration, maintenance, use and occupancy of hotels, and the maintenance, use and occupancy of the premises and land on which hotels are erected or located, in all parts of the State of California, including incorporated towns, incorporated cities, and incorporated cities and counties, and to provide penalties

for the violation thereof; and repealing an act entitled 'An act to regulate the building and occupancy of hotels and lodging houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof;' approved June 16, 1913, statutes of California of 1913, page 1429," approved May 31, 1917, is hereby amended to read as follows:

Sec. 12. No semifireproof hotel building hereafter erected shall exceed six stories at any point, nor more than sixty-five feet in height (except as hereinafter provided), nor more than one and one-half times the width of the widest street to which the lot on which it is situated abuts. Height of hotels.

No wooden hotel hereafter erected shall exceed three stories at any point, nor more than thirty-six feet in height (except as hereinafter provided), nor more than one and one-half times the width of the widest street to which the lot on which it is situated abuts.

The width of the street, for this purpose, shall be measured from the extreme front of the building to the "front of lot" opposite, across the street.

For the purposes of this section, a basement is a story.

The height of a semifireproof or of a wooden hotel is the perpendicular distance from the curb level or adjoining ground levels to the lowest point of the finished ceiling of the top story; *provided*, that in the case of a semifireproof hotel situated on a lot with the ground sloping downward from the facade at which the measurement is taken the height of the building shall not at any point exceed sixty-five feet above the curb level measured on the facade facing the street, nor shall the height of the building at any point of the grade exceed seventy-five feet above the adjoining curb in case of a corner lot, or above the level of the ground in the case of an interior lot, and in the case of a wooden hotel situated on a lot with the ground sloping downward from the facade at which the measurement is taken the height of the building shall not at any point exceed thirty-six feet above the curb line measured on the facade facing the street, nor shall the height of the building at any point of the grade exceed forty-six feet above the adjoining curb in the case of a corner lot or above the level of the ground in the case of an interior lot.

CHAPTER 11.

An act to amend section thirty-five of an act entitled "An act to provide for the organization and government of conservancy districts for certain specified purposes; to provide for the issuance, sale and hypothecation of district bonds to pay the costs and expenses incurred in relation thereto, and to provide for the retirement of such bonds; to provide for the levying and collection of taxes to pay the annual installment of principal and interest on said bonds; to provide for levying and collecting special assessments for

special benefits and to issue improvement warrants to represent such special assessments for special benefits; to provide for the effect and enforcement of such improvement warrants and the application of moneys derived from the enforcement thereof; and to provide a method of dissolving such districts," approved May 16, 1919.

[Approved March 19, 1923.]

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

Stats. 1919,
p. 580,
amended.

SECTION 1. Section thirty-five of an act entitled "An act to provide for the organization and government of conservancy districts for certain specified purposes; to provide for the issuance, sale and hypothecation of district bonds to pay the costs and expenses incurred in relation thereto, and to provide for the retirement of such bonds; to provide for the levying and collection of taxes to pay the annual installment of principal and interest on said bonds; to provide for levying and collecting special assessments for special benefits and to issue improvement warrants to represent such special assessments for special benefits; to provide for the effect and enforcement of such improvement warrants and the application of moneys derived from the enforcement thereof; and to provide a method of dissolving such districts," approved May 16, 1919, is hereby amended to read as follows:

Payment of
preliminary
expenses.

Sec. 35. If the district is not organized, then the costs of publication and other official costs of the proceedings shall be collected by the county from the petitioners or their bondsmen, paid into the county treasury and there held in a separate fund against which warrants may be audited and drawn on the order of the board of supervisors, as other warrants of the county are audited and drawn. Upon the organization of the district, the board of supervisors shall make an order indicating a preliminary division of the preliminary expenses between the counties included in the district in approximately the proportions of interest of the various counties as may be estimated by said board of supervisors. And the board of supervisors of each respective county shall issue an order to the auditor of its respective county to issue his warrant for the pro rata amount to be paid that county, upon the treasurer of his county to reimburse the county having paid the total cost; *provided, however,* that the joint board of supervisors shall first determine at a previous meeting the pro rata amount to be borne by each county and shall determine the same upon a basis of the assessed value of property benefited in the district in each county.

Advance of
funds by
counties.

Expenses incurred thereafter prior to the receipt of money by the district from taxes or assessments, bond sales, or otherwise shall be paid from the general funds of the respective counties proportionately upon the order of the board of supervisors, and shall be paid upon certification of the clerk of the board of supervisors of such order, specifying the amount and purpose of the claims to the auditor of each county, who shall

thereupon at once issue his warrant to the treasurer of his county. Upon receipt of funds by the district from the sale of bonds or by taxation or assessment the funds so advanced by the counties shall be repaid.

As soon as any district shall have been organized under this act, and a board of directors shall have been elected and qualified, such board of directors shall recommend to the board of supervisors and the board of supervisors shall have the power and authority to levy upon the property within the district an assessment not to exceed three mills on each one hundred cents of the assessed valuation thereof as a level rate to be used for the purpose of paying expenses of organization, for surveys and plans, and for other incidental expenses which may be necessary up to the time money is received from the sale of bonds or otherwise. This assessment shall be certified to the auditors of the various counties having property within the district and by them to the respective treasurers of their counties. If such items of expense have already been paid in whole or in part from other sources, they may be repaid from the receipts of such levy, and such levy may be made although the work proposed may have been found impracticable or for other reasons is abandoned. The tax collector shall at once proceed to collect said assessment and the collection of such assessment levy shall conform in all matters to the collection of taxes and assessments for the district outlined in this act, and the same provisions concerning the nonpayment of taxes shall apply. In case a district is disbanded for any cause whatever before the work is contracted, the data, plans and estimates which have been secured shall be filed with the clerk of the board of supervisors with which the petition thereupon was filed, and shall be matters of public record available to any person interested.

Tax levy
for incidental
expenses.

SEC. 2. This act is hereby declared to be an urgency measure within the meaning of section one of article four of the constitution of the State of California, and shall take effect immediately.

Urgency
measure.

The facts constituting such urgency are as follows:

That the provisions of said section thirty-five of the conservancy act of the State of California as the same now reads, do not provide for the raising of sufficient funds to enable districts organized under said act to pay the expenses of organization, for surveys and plans and for other incidental expenses which may be necessary up to the time money is received from the sale of bonds or otherwise, and that delay in providing suitable means for raising sufficient funds for said purposes will result in great damage to the lands located within said districts and to the owners of said lands for the reason that none of the conservancy works provided for in said conservancy act can be done this year unless sufficient funds are immediately available to pay the said preliminary expenses.

CHAPTER 12.

An act to amend section eight hundred sixty-two of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, as amended, relating to the power of boards of trustees in cities of the sixth class.

[Approved March 30, 1923.]

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

Stats. 1921,
p. 590,
amended.

SECTION 1. Section eight hundred sixty-two of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, as amended, is hereby amended so as to read as follows:

Power of
city
trustees.

Sec. 862. The board of trustees of said city shall have power:

Acquire
real estate.

1. To pass ordinances not in conflict with the constitution and laws of this state or of the United States.

2. To purchase, lease, or receive such real estate situated inside or outside of the city limits and personal property as may be necessary or proper for municipal purposes, and to control, dispose of, and convey the same for the benefit of the city or town; *provided*, they shall not have power to sell or convey any portion of any waterfront.

Provide
water supply.

3. To contract for supplying the city or town with water for municipal purposes, or to acquire, construct, repair, and manage pumps, aqueducts, reservoirs, or other works necessary or proper for supplying water for the use of such city or the inhabitants, or for irrigating purposes therein.

Establish
bridges and
highways.

4. To establish, build and repair bridges; to acquire by purchase or otherwise lands for squares, parks, play grounds and places within the city or town, and to improve, equip and maintain the same; to establish, lay out, alter, keep open, improve, and repair streets, sidewalks, alleys, and other public highways, and to drain, sprinkle, oil and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, macadamize, gravel, and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks, and crosswalks therein, or on any part thereof; to cause to be planted, set out, and cultivated, shade trees therein; and generally to manage and control all such highways and places; and in the exercise of the powers herein granted to expend, in their discretion, the ordinary annual income and revenue of the municipality in payment of the costs and expenses of the whole or any part of such work or improvement.

Open streets.

4a. To acquire property required for the opening and laying out of any street, alley or lane from the point where the continuity of such street, alley or lane ceases, to the point where such street, alley or lane again commences, to lay out and improve said street, alley or lane; and to pay the cost and

expense incurred in the acquisition of the required property out of the general fund of the city.

5. To construct, establish, and maintain drains and sewers. Sewers.

6. To provide fire engines and all other necessary and proper apparatus for the prevention and extinguishment of fires. Fire protection

7. To impose on and collect from every male inhabitant between the ages of twenty-one and sixty years, an annual street poll tax, not exceeding two dollars; and no other road poll tax shall be collected within the limits of the city. Collect street poll tax.

8. To impose and collect an annual license not exceeding two dollars on every male dog, and four dollars on every female dog owned or harbored within the limits of the city. Dog tax.

9. To levy and collect annually a property tax, which shall not, without the assent of two-thirds of the qualified electors of such city or town voting at an election to be held for that purpose, exceed one dollar on each one hundred dollars; *provided, however*, that in cities which have constructed or may hereafter construct embankments, sea walls, or other works to protect such cities from overflow, said board of trustees may levy and collect annually, a property tax which shall not exceed twenty cents on each one hundred dollars, which, when collected, shall be kept in a separate fund and used for the construction and maintenance of embankments, sea walls, or other works to protect such city from overflow and for no other purpose. Property tax.

10. To license, for the purpose of revenue and regulation, all and every kind of business authorized by law and transacted and carried on in such city or town, and all shows, exhibitions, and lawful games carried on therein; to fix the rates of license tax upon the same, and to provide for the collection of the same by suit or otherwise. License business.

11. To improve the rivers and streams flowing through such city or adjoining the same; to widen, straighten, and deepen the channels thereof, and to remove obstructions therefrom; to acquire and improve public mooring places for water craft; to improve the water front of the city, including the ocean front thereof, and to build and construct breakwaters, jetties, and sea walls; to construct and maintain embankments and other works, to protect such city from overflow; and to acquire, own, construct, maintain, and operate on any lands bordering on any navigable bay, lake, inlet, river, creek, slough, or arm of the sea within the corporate limits of such city or contiguous thereto, wharves, chutes, piers, breakwaters, bathhouses, and life-saving stations. Improve rivers and streams.

12. To erect and maintain buildings for municipal purposes, and to acquire and maintain cemeteries, situated inside or outside of said city. Erect municipal buildings.

13. To acquire, own, construct, maintain and operate bus lines, street railways, steam railway spur tracks, telephone and telegraph lines, gas and other works for light, power, and heat; public libraries, museums, gymnasia, parks, and baths; and to grant franchises for the construction of public Acquire public utilities.

utilities as they may deem proper, the laying of railroad tracks and the running of cars drawn by horses, steam, or other power thereon, and the laying of gas and water pipes in the public streets, and to permit the construction and maintenance of telegraph and telephone lines therein.

Impose
fines.

14. To impose fines, penalties, and forfeitures for any and all violations of ordinances; and for any breach or violation of any ordinance; to fix the penalty by fine or imprisonment, or both; but no such fine shall exceed three hundred dollars, nor the term of imprisonment exceed three months.

Compel labor
of prisoners.

15. To cause all persons imprisoned for violation of any ordinance to labor on the streets, or other public property, or works within the city.

Fire limits.

16. To establish and maintain fire limits, and regulate building and construction and removal of buildings within the municipality.

Regulate
construction
of buildings.

16a. To regulate the construction of and the materials used in all buildings, chimneys, stacks and other structures; to prevent the erection and maintenance of insecure or unsafe building walls, chimneys, stacks, or other structures, and to provide for their summary abatement, destruction, or removal; to provide for the abatement, destruction or removal of unsightly or partially destroyed buildings; to regulate the materials used in and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials used in wiring buildings or other structures for the use of electricity for lighting, power, heat or other purposes and materials used for piping buildings or other structures for the purpose of supplying the same with water, gas, or electricity, and the manner of so doing; to prohibit the construction of buildings and structures which do not conform to such regulations.

Regulate
advertising,
etc.

16b. To regulate the exhibition, posting or carrying of banners, placards, posters, cards, pictures, signs or advertisements in or on the street, or on or upon buildings, fences, billboards or other structures; or on or upon any pole in any sidewalk, alley, street, lane, court, park or other public place; to regulate the suspension of banners, flags, signs, advertisements, posters, pictures, or cards across or over any sidewalk, alley, street, lane, court, park, or other public place, or such suspension from fences, poles, houses, or other structures; to prohibit and prevent encroachments upon or obstruction in or to any sidewalk, street, alley, lane, court, park or other public place, and to provide for the removal of such encroachment or obstruction.

Compel
removal of
dirt, weeds,
etc.

16c. To compel the owner, lessee or occupant of buildings, grounds, or lots to remove dirt, rubbish, weeds and rank growths from the sidewalk opposite thereto, and from the buildings or grounds, and on his default, after such notice as the board of trustees may prescribe, to authorize the removal or destruction thereof by some officer of the city at the expense of such owner, lessee or occupant, and by such pro-

cedure as the board of trustees may prescribe, to make such expense a lien upon such buildings or grounds.

17. To issue subpoenas for the attendance of witnesses, or the production of books or other documents, for the purpose of producing evidence or testimony in any action or proceeding pending before the board of trustees, which subpoenas must be signed by the president of the board of trustees, and attested by the city clerk and may be served in the same manner as subpoenas are served in civil actions. Whenever any person duly subpoenaed to appear and give evidence, or to produce any books or any documents as herein provided, shall neglect or refuse to appear, or to produce such books or documents, as required by such subpoena, or shall refuse to testify before such board, or to answer any questions which a majority thereof shall decide to be proper and pertinent, it shall be the duty of the president of the board to report the fact to the judge of the superior court of the county, who shall thereupon issue an attachment in the form usual in the court of which he shall be judge, directed to the sheriff of the county where such witness was required to appear and testify, commanding the said sheriff to attach such person, and forthwith bring him before the judge by whose order such attachment was issued. On the return of the attachment and the production of the body of the defendant, the said judge shall have jurisdiction of the matter, and the person charged may purge himself of the contempt in the same way, and the same proceedings shall be had, and the same penalties may be imposed, and the same punishment inflicted as in the case of a witness subpoenaed to appear and give evidence on the trial of a civil cause before a superior court.

18. To expend such sum as the board of trustees shall deem proper, not to exceed five per cent of the property tax levy in any one fiscal year, for music and promotion.

19. To do and perform any and all other acts and things necessary or proper to carry out the provisions of this act.

SEC. 2. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

CHAPTER 13.

An act validating the formation and organization and proceedings of Fall river valley irrigation district under the provisions of an act of the legislature of the State of California approved March 31, 1897, entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition, or construction thereby of works for the irrigation of the lands embraced within such district, and, also, to provide for the distribution of water for irrigation purposes," as amended.

[Approved April 4, 1923.]

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

Fall river
valley irriga-
tion district
validated.

SECTION 1. All proceedings of the board of supervisors of the county of Shasta, State of California, in the organization of Fall river valley irrigation district are hereby confirmed, ratified and declared valid, and said district is hereby recognized and declared to be a valid, subsisting irrigation district as of and from the date of the adoption by said board of supervisors of the resolution declaring said district duly organized.

CHAPTER 14.

An act to validate the proceedings on organization and formation, and the formation and organization of the Mojave river irrigation district, an irrigation district organized and existing under the California irrigation district act.

[Approved April 4, 1923.]

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

Mojave river
irrigation
district
validated.

SECTION 1. The Mojave river irrigation district as now organized by the board of supervisors of the county of San Bernardino, or as the boundaries thereof may hereafter be changed according to law, is hereby recognized and declared valid, and all of the proceedings with regard to the formation and organization thereof are hereby approved and declared valid.

CHAPTER 15.

An act to amend section four thousand three hundred b of the Political Code, relating to sheriff's fees.

[Approved April 6, 1923.]

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

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

Sheriff's
fee.

4300b. For serving any process, writ, order, or paper, except as in this section provided, required by law to be served by the sheriff, fifty cents.

For serving a writ of attachment, execution, or order for the delivery of personal property, one dollar. Sheriff's fees.

For taking any bond or undertaking, fifty cents.

For serving an attachment or execution on any ship, boat, or vessel, three dollars.

For keeping and caring for property under attachment or execution such sum as the court may fix; *provided*, that no greater sum than five dollars per day shall be allowed to a keeper when necessarily employed.

For a copy of any writ, process, or paper actually made by him, when required or demanded according to law, per folio, ten cents; *provided*, that when correct copies are furnished to him for use, no charge shall be made for such copies.

For advertising sale of property and posting notice, exclusive of cost of publication, or furnishing notice for publication, each, fifty cents.

For publication of notice in newspaper, the reasonable cost of publication, subject to the approval of the court.

For serving writ of possession or restitution, putting a person in possession of the premises, and removing the occupant, one dollar and fifty cents.

For subpoenaing witnesses, including copy of subpoena, each twenty-five cents.

For summoning trial jury of twelve or less, two dollars; for each additional juror, ten cents.

For traveling in the service of any paper required by law to be served, for each mile actually and necessarily traveled, one way only, fifteen cents, when such travel can be made by rail: in other cases twenty-five cents. No constructive mileage to be allowed.

For collecting money on execution, with or without levy, one per cent on the first thousand dollars or less, and one-half of one per cent on all sums over one thousand dollars.

For executing and delivering sheriff's deed, one dollar and fifty cents.

For executing and delivering certificate of sale, fifty cents.

For executing and delivering a release from garnishment or attachment, twenty-five cents.

For transporting prisoners to the county jail, the actual cost of such transportation.

For executing and delivering any other instrument, ten cents per folio.

CHAPTER 16.

An act to authorize and control the deposit in banks of money belonging to or in the custody of the state and to repeal all acts or parts of acts in conflict with this act.

[Approved April 12, 1923.]

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

SECTION 1. All moneys under the control of the state treasurer, belonging to or in the custody of the state, shall, so

Deposit of state moneys in approved banks.

far as possible, be deposited by the state treasurer to the credit of the state in such state or national bank or banks in the state as the treasurer, with the approval of the governor and state controller, shall select for the safekeeping of such deposits, and any sum so deposited shall be deemed to be in the state treasury; *provided*, that the bank or banks in which such money is deposited shall furnish security as hereinafter provided; *and provided, further*, that such depository bank or banks be selected from those agreeing to pay the highest rate of interest, not less than two per cent per annum, for such deposits, as may be determined by bids to be submitted at such times and in such manner as the treasurer shall direct; *and provided, further*, that such deposit shall not exceed the paid-up capital, exclusive of reserve and surplus, of any depository bank. Any and all bids may be rejected by the treasurer, with the approval of the governor and state controller, and new bids asked for. The expense of transportation of moneys to and from the state treasury to such depositories shall be borne by such depositories and they shall handle, collect and pay all checks, drafts and other exchange without cost to the state. Said deposits, with interest thereon, shall be subject to withdrawal at any time upon the demand of the state treasurer, unless the treasurer, with the consent of the governor and controller, shall deposit any part of such moneys upon different terms; *provided*, that no agreement for the deposit of said moneys shall be for a longer period than one year; *and provided, further*, that the state treasurer is hereby authorized, under such conditions as he with the approval of the governor, may fix, to deposit moneys in any bank or banks outside this state, necessary for the payment of the principal or interest of bonds, made payable outside of this state, at the place or places at which the same are payable.

SEC. 2. The interest to be paid by any such depository bank shall be on the average daily balances of such moneys kept on deposit therewith, and shall be paid and credited to the state monthly on the first day of each and every month, and such interest shall accrue to the general fund of the state treasury; *provided*, that if any moneys belonging to the state school fund or the state school land fund shall at any time be deposited under the provisions of this act, the interest received thereon shall be paid into the state school fund.

SEC. 3. There shall be two classes of depositories; one shall be known as active depositories and the other as inactive depositories. The state treasurer, with the consent of the governor and controller, shall determine what amount of money shall be deposited as active deposits and what amount of money shall be deposited as inactive deposits. The state treasurer may call in moneys from inactive deposits and place them in active deposits, when it shall be necessary to do so for the purpose of providing for current demands; and, when there are inactive moneys in his possession for which there are no demands, said inactive moneys may be placed as active deposits. When there are no demands for either active or inactive moneys

Security.

Interest.

Amount to be deposited

Expense of transporting moneys.

Period of deposit.

Depositories outside of state.

Disposition of interest.

Active and inactive deposits.

the treasurer may deposit with the Federal Reserve Bank of San Francisco any gold coin or other moneys in his possession and take from said bank a certificate or other exchange showing such deposit. The provisions of this act shall not apply to such deposits with the federal reserve bank.

Deposits
with Federal
Reserve
Bank.

SEC. 4. For the security of inactive deposits, there shall be deposited with the treasurer treasury notes or bonds of the United States, or of this state or of any county, municipality, school district, or irrigation district within this state, which bonds shall be approved by the governor, controller and treasurer, to an amount in value at least ten per cent in excess of the amount of the deposit with such bank or banks. For the security of active deposits, there shall be deposited with the treasurer treasury notes or bonds of the United States or of this state or of any county, municipality, school district or irrigation district within this state, or the surety bond or bonds of any corporation or corporations qualified to act as sole surety on bonds or undertakings required by the laws of this state: *provided*, that the penalty or the aggregate of the penalties of any surety bond or bonds covering deposits in any one bank given by any surety company shall not exceed ten per cent of the capital and surplus of such company, according to the statement thereof contained in the last preceding report issued by the United States treasury department, but in fixing such limit there shall be deducted from such penalty the amount of any reinsurance the terms of which inure directly to the State of California, placed with a company qualified to execute bonds hereunder within the limits applicable to said company, and evidence of which reinsurance shall be furnished to the treasurer within twenty days after the date of such surety bond. Such securities shall be approved by the governor, controller and treasurer to an amount in value at least ten per cent in excess of the amount of the deposit with such bank or banks. No surety bond shall be accepted from any surety company, unless said company shall be approved by the insurance commissioner of the state as a company possessing the qualifications herein required to secure the deposit of state funds, and it shall be the duty of said commissioner to issue such certificate on demand of the state treasurer showing the qualifications of such companies; and, unless said company shall also hold a certificate of authority from the United States treasury department as being acceptable as a surety on federal bonds. The form of bonds required under this act shall be prescribed by the attorney general of the state.

Security of
inactive
deposits.

Security of
active
deposits.

Limit.

Approval.

SEC. 5. If in any case or at any time the security deposited with the state treasurer is not deemed satisfactory by the governor, controller and treasurer, they may require such additional security as may be satisfactory to them. Such security, or any part thereof, may be withdrawn or released on the written consent of the governor, controller and treasurer; *provided*, that a sufficient amount of said bonds or, when permissible, surety bonds of sufficient penalties, to secure said

Additional
security.

Liquidation
of securities
in event of
default.

deposits shall always be kept in the treasury; and in the event that any said bank or banks of deposit shall fail to pay such deposits, or any part thereof, on the demand of the state treasurer, then it shall be the duty of the state treasurer to forthwith recover upon or convert said bonds into money and to disburse the same according to law. The surety upon such surety bond may terminate such bond as to future liability by giving ten days' notice in writing of such termination to the treasurer, and upon receipt of such notice the treasurer shall require other security in lieu thereof, or shall withdraw the funds covered by said surety bond within said period of ten days, but such notice of termination shall not affect any liability accruing prior to the expiration of said period of ten days.

Termination
of surety
bonds.

Contracts
with
depositories.

SEC. 6. The treasurer shall take from such depository or depositories a written contract, in triplicate, setting forth the conditions and terms upon which the funds of the state are deposited therewith, one of which shall be filed with the controller. One provision of said contract shall be that each depository shall at the end of each month render to the treasurer a statement in duplicate showing the daily balances or amount of money of the state held by it during the month and the amount of accrued interest thereon separately, one of which shall be filed by the treasurer with the controller. The treasurer shall annually on the first day of July furnish each depository bank with a statement showing the amount and description of the notes and bonds on deposit with him by such bank to secure state deposits.

Indemnity
bonds to
meet
depreciation

SEC. 7. The treasurer, with the approval of the governor and controller, shall, if in his judgment it shall appear necessary for the security of the state, require said banks of deposit to give an indemnity bond, the sureties on which shall not be interested as stockholders in said bank or banks, to be approved by the governor, controller and treasurer, to secure the state against loss by any depreciation in value that may occur in such notes and bonds held by him as security for the safekeeping and prompt payment of moneys in such depositories.

Responsi-
bility of
treasurer

SEC. 8. The state treasurer shall not be responsible for any moneys deposited in a bank or in banks under the provisions of this act, while the same remain there deposited with the consent of the governor and controller; but the treasurer shall be chargeable with the safekeeping, management and disbursement of the notes and bonds and certificates of deposit deposited with him as security for deposits of state moneys, and with the interest thereon, and the proceeds of any sale under the provisions of this act.

Receipts for
deposits.

SEC. 9. At the time of depositing state moneys in any bank, designated as a depository, the state treasurer shall take and preserve a receipt, certificate of deposit, or such other evidence of the deposit as the treasurer may require, stating the amount deposited and referring to the contract made between the depository bank and the treasurer. The money

so deposited may be drawn out by the check or order of the state treasurer. Withdrawal by check.

SEC. 10. All moneys belonging to or in the custody of the state under the control of any officer or employee of the state, other than the state treasurer, may be deposited as active deposits in such state or national bank or banks in this state as such officer or employee may select, and under such conditions as he and the state board of control may fix; *provided*, this section shall not be construed to repeal or amend any provision of the law now requiring officers or employees to make daily, weekly or monthly settlements. Any bank receiving deposits under the provisions of this section may be required to deposit with the state treasurer such security as is hereinbefore provided in the case of active depositories. Other state deposits. Conditions. Security.

SEC. 11. Any officer or employee of this state who deposits any moneys belonging to or in the custody of the state in any manner than as prescribed in this act shall be subject to forfeiture of his office or employment. Penalty.

SEC. 12. An act entitled "An act to authorize the deposit of state moneys in banks in this state, and to repeal all acts, or parts of acts in conflict with this act." approved February 28, 1907, and all acts amending said act and all acts and parts of acts in conflict with this act are hereby repealed. Stats. 1907, p. 67, repealed.

CHAPTER 17.

An act to authorize and control the deposit in banks of money belonging to or in the custody of any county or municipality within this state, and to repeal all acts or parts of acts in conflict with this act.

[Approved April 12, 1923.]

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

SECTION 1. All moneys belonging to or in the custody of any county or municipality within the state, shall, so far as possible, be deposited in such state or national bank or banks in the state as the treasurer of the county or municipality as the case may be, or other official having the legal custody thereof, shall select for the safekeeping of such deposits, and any sum so deposited shall be deemed to be in the treasury of such county or municipality; *provided*, that the bank or banks in which such money is deposited shall furnish security as hereinafter provided; *and provided, further*, that such depository bank or banks be selected from those agreeing to pay the highest rate of interest, not less than two per cent annuum, for such deposits, as may be determined by bids to be submitted at such times and in such manner as the treasurer shall direct; *and provided, further*, that such deposit shall not exceed the paid-up capital exclusive of reserve and surplus, of any depository bank; *and provided*, that no treasurer of a county or of a municipality shall deposit more than Deposit of city and county funds. Depositories: how selected. Limit on amount

twenty per cent of the public moneys under his control in any one bank. Any and all bids may be rejected by the treasurer and new bids asked for. The expense of transportation of moneys to and from such county or municipal treasury to such depositories shall be borne by such depositories and they shall handle, collect and pay all checks, drafts and other exchange without cost to such county or municipality. Such deposits, with interest thereon, shall be subject to withdrawal at any time upon the demand of the treasurer or other authorized official, unless the treasurer, with the consent of the governing body of the county or municipality shall deposit any part of such moneys upon different terms; *provided*, that no agreement for the deposit of said moneys shall be for a longer period than one year; *and provided, further*, that such treasurer is hereby authorized, under such conditions as he with the approval of the governing body of such county or municipality may fix, to deposit moneys in any bank or banks within or without this state, necessary for the payment of the principal and interest of bonds at the place or places at which the same are payable, and the provisions of this act shall not apply to deposits for such purposes.

SEC. 2. The interest to be paid by any such depository bank shall be on the average daily balances of the moneys kept on deposit therewith and shall be payable quarterly. The treasurer of the county or municipality, as the case may be, shall render to such depository and to the county auditor a statement showing the amount of accrued interest for each such depository for the preceding quarter. Interest on all moneys deposited as herein provided for shall belong to the county or municipality represented by the officer making such deposit, and shall be paid quarterly into the general fund of such county or municipality, except where the law otherwise directs.

SEC. 3. There shall be two classes of deposits: one shall be known as active deposits and the other as inactive deposits. The county or municipal treasurer, with the consent of the governing body of the county or municipality, shall determine what amount of money shall be deposited as active deposits and what amount of money shall be deposited as inactive deposits. Such treasurer may call in moneys from inactive deposits and place them in active deposits, when it shall be necessary to do so for the purpose of providing for current demands; and, when there are inactive moneys in his possession for which there are no demands, said inactive moneys may be placed as active deposits. When there are no demands for either active or inactive moneys, such treasurer may deposit with the Federal Reserve Bank of San Francisco any gold coin or other moneys in his possession and take from said bank a certificate or other exchange showing such deposit. The provisions of this act shall not apply to such deposits with the federal reserve bank.

SEC. 4. For the security of inactive deposits there shall be deposited with such treasurer treasury notes or bonds

Expense of transporting moneys.

Period of deposit.

Interest on deposits - determination of.

Disposition of.

Active and inactive deposits.

Deposits with Federal Reserve Bank.

Security of inactive deposits.

of the United States, or of this state or of any county, municipality, school district or irrigation district within this state, which bonds shall be approved by the treasurer and attorney of the county or municipality. The market value of the bonds furnished shall be at least ten per cent in excess of the amount of the deposit secured thereby; but the amount of the deposit shall in no case exceed the face value of the bonds furnished as security therefor. For the security of active deposits, there shall be deposited with such treasurer, treasury notes or bonds of the United States or of this state, or of any county, municipality, school district or irrigation district within this state, or the surety bond or bonds of any corporation or corporations qualified to act as sole surety on bonds or undertakings required by the laws of this state; *provided*, that the furnishing of surety bonds shall be optional with the treasurer: *provided, however*, that when there is no qualified bank within the county owning the money, or the county within which the municipality owning the money is situated requesting such active deposit, and offering any of the classes of securities, including surety bonds, herein provided for such deposits, then no such surety bond or notes or bonds shall be accepted as security for active deposit in banks outside of such county while any notes or bonds of the United States, or of this state, or of any county, municipality, school district, or irrigation district within the state shall be offered as security for active deposits by any bank in the state qualified to accept such deposits; *provided, further*, that the penalty or the aggregate of the penalties of any surety bond or bonds covering deposits in any one bank given by any surety company shall not exceed ten per cent of the capital and surplus of such company, according to the statement thereof contained in the last preceding report issued by the United States treasury department, but in fixing such limit there shall be deducted from such penalty the amount of any reinsurance the terms of which inure directly to the county or municipality making the deposit, placed with a company qualified to execute bonds hereunder within the limits applicable to said company and evidence of such reinsurance shall be furnished to the treasurer making the deposit within twenty days after the date of such surety bond.

Security of active deposits.

Security on deposits outside of county.

Limit.

Such securities shall be approved by the treasurer and attorney of such county or municipality to an amount in value at least ten per cent in excess of the amount of the deposit with such bank or banks. No surety bond shall be accepted from any surety company, unless said company shall be approved by the insurance commissioner of the state as a company possessing the qualifications herein required to secure the deposit of county and municipal funds, and it shall be the duty of said commissioner to issue such certificate on demand of the proper county or municipal officer showing the qualifications of such companies; and, unless said company shall also hold a certificate of authority from the United States treasury department as being acceptable as a surety

Approval.

on federal bonds. The form of bonds required under this act shall be approved by the attorney for such county or municipality.

Additional security.

SEC. 5. If in any case or at any time the security deposited with such treasurer is not deemed satisfactory by such treasurer, he may require such additional security as may be satisfactory to him. Such security, or any part thereof, may be withdrawn or released on the written consent of such treasurer and the attorney of the county or municipality; *provided*, that a sufficient amount of said notes or bonds or, when permissible, surety bonds of sufficient penalties, to secure said deposits shall always be kept in the treasury; and in the event that any said bank or banks of deposit shall fail to pay such deposits, or any part thereof, on the demand of the treasurer, then it shall be the duty of such treasurer to forthwith recover upon or convert said notes or bonds into money and to disburse the same according to law. The surety upon such surety bond may terminate such bond as to future liability by giving fifteen days' notice in writing of such termination to the treasurer, and upon receipt of such notice, the treasurer shall require other security in lieu thereof, or shall withdraw the funds covered by said surety bond within said period of fifteen days, but such notice of termination shall not affect any liability accruing prior to the expiration of said period of fifteen days.

Liquidation of securities in event of default.

Termination of surety bonds.

Contracts with depositaries.

SEC. 6. Such treasurer shall take from such depositary or depositaries a written contract in triplicate, setting forth the conditions upon which funds are deposited therewith, one of which shall be filed with the auditor of such county or municipality. Each depositary shall render, quarterly, to such treasurer a statement, in triplicate, showing the daily balances or amount of money of such county or municipality held by it during the quarter and the amount of accrued interest thereon separately, one of which shall be filed by the treasurer with the auditor of such county or municipality.

Quarterly statements.

Indemnity bonds to meet depreciations.

SEC. 7. Such treasurer with the approval of the attorney of the county or municipality, shall, if in his judgment it shall appear necessary for the security of the county or municipality, require said banks of deposit to give an indemnity bond, the sureties on which shall not be interested as stockholders in said bank or banks to be approved by the treasurer and such attorney, to secure such county or municipality against loss by any depreciation in value that may occur in such bonds held by him as security for the safekeeping and prompt payment of the moneys in such banks.

Responsibility of treasurer.

SEC. 8. Such treasurer shall not be responsible for any moneys deposited in a bank or in banks under the provisions of this act, while the same remain there deposited under the terms of this act; but such treasurer shall be chargeable with the safekeeping, management and disbursement of the bonds and certificates of deposit deposited with him as security for

deposits of such moneys, and with the interest thereon, and the proceeds of any sale under the provisions of this act.

SEC. 9. At the time of depositing any moneys in any bank, designated as a depository, such treasurer shall take and preserve a receipt, certificate of deposit, or such other evidence of the deposit as the treasurer may require. The money so deposited may be drawn out by the check or order of such treasurer.

Receipts
for deposits.

Withdrawal
by check.

SEC. 10. All moneys belonging to any county or municipality within the state under the control of any officer or employee thereof other than a county or city treasurer, shall be deposited as active deposits in such state or national bank or banks in this state as such officer or employee may select; and provided, that the bank or banks in which said moneys are deposited may be required to pay interest thereon and shall furnish security for such deposits as herein provided for active deposits.

Other official
deposits.

SEC. 11. All moneys under the control of any tax collector of any county or municipality must be immediately deposited with the treasurer of any such county or municipality; provided, that any such moneys may, under permission and instructions of the treasurer having authority so to do, be deposited by such tax collector in any bank selected as a depository in accordance with the provisions of this act.

Moneys
received
by tax
collectors.

SEC. 12. Any officer or employee of any county or municipality of this state who deposits any money belonging to or in the custody of such county or municipality in any manner other than as prescribed in this act shall be subject to forfeiture of his office or employment.

Penalty.

SEC. 13. An act entitled "An act to provide for and regulate the deposit of county and municipal moneys in banks and banking corporations, limiting the amount of public moneys that may be deposited therein, and providing a penalty for the illegal deposit and use thereof," approved March 23, 1907, and all acts amending said act and all acts and parts of acts in conflict with this act are hereby repealed.

Stats. 1907,
p 974,
repealed.

CHAPTER 18.

An act to amend sections one thousand four hundred one and one thousand four hundred two of the Civil Code, relating to the distribution of community property on death of husband or wife.

[Approved April 16, 1923.]

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

SECTION 1. Section one thousand four hundred one of the Civil Code is hereby amended to read as follows:

1401. Upon the death of either husband or wife, one-half of the community property belongs to the surviving spouse; the other half is subject to the testamentary disposition of the

Community
property on
death of
one spouse.

decedent, and in the absence thereof goes to the surviving spouse, subject to the provisions of section one thousand four hundred two of this code.

SEC. 2. Section one thousand four hundred two of the Civil Code is hereby amended to read as follows:

Community property subject to administration.

Husband's control after death of wife.

1402. Community property passing from the control of the husband, either by reason of his death or by virtue of testamentary disposition by the wife, is subject to administration, his debts, family allowance and the charges and expenses of administration; but in the event of such testamentary disposition by the wife, the husband, pending administration, shall retain the same power to sell, manage and deal with the community personal property as he had in her lifetime; and his possession and control of the community property shall not be transferred to the personal representative of the wife except to the extent necessary to carry her will into effect. After forty days from the death of the wife, the surviving husband shall have full power to sell, lease, mortgage or otherwise deal with and dispose of the community real property, unless a notice is recorded in the county in which the property is situated to the effect that an interest in the property, specifying it, is claimed by another under the wife's will.

CHAPTER 19.

An act to amend an act entitled "An act to promote drainage," approved March 18, 1885, as amended, by adding a new section thereto to be numbered twenty a, providing for the alteration of the boundaries of drainage districts.

[Approved April 17, 1923.]

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

SECTION 1. A new section is hereby added to an act entitled "An act to promote drainage," approved March 18, 1885, as amended, to be numbered twenty a and to read as follows:

Boundaries may be changed.

Sec. 20a. The boundaries of any drainage district now organized, or which may hereafter be organized, under the provisions of this act, may be changed, and tracts of land which were not included within the original boundaries, or changed boundaries of said district, at or after its organization, may be included therein, and tracts of land which were included within the boundaries of said district, at or after its organization, may be excluded therefrom in the manner in this section prescribed; but neither such change of the boundaries of the district, nor such inclusion or exclusion of land in or from the district, shall impair or affect its organization or its right in or to property or any of its rights or privileges of whatever kind or nature; nor shall any inclusion or exclusion of land from the district affect, impair or discharge any contract, obligation, lien or charge for or upon which said district may become liable or chargeable had such change of

its boundaries not been made, or had said land not been included or excluded from the district.

1. The owner or owners in fee of one or more tracts of land susceptible of the same mode of drainage as the land within the boundaries of the district, and contiguous to the boundaries of said district, may jointly or severally file with the board of supervisors of the county in which the district was formed a petition praying that such tract or tracts may be included within the exterior boundaries of said district. The petition shall state the grounds and reasons upon which it is claimed that such land should be included. Such petition must be acknowledged in the same manner and form as is required in the case of conveyance of land, and the acknowledgment shall have the same force and effect as evidence as the acknowledgment of such a conveyance. The clerk of the board of supervisors shall cause a notice of filing of such petition to be published at least two weeks in some newspaper of general circulation published in the county where said district was formed, and if any portion of such territory to be included lies within another county or counties, then such notice shall be so published in a newspaper published within each of said counties; or if no newspaper be published therein then by posting such notice for the same time in at least three public places within said district, and in the case of posting of said notices one of said notices must be so posted on the land proposed to be included. In addition to the notice by publication or posting, as above provided, he shall cause such notice to be mailed to each person owning property within said district, by United States mail, postage prepaid to the post-office address of such landowner if known, and if not known then to his last known address. Said notice shall be mailed at least ten days before the day set for such hearing. The notice shall state the filing of such petition, the names of the petitioners, a description of the land mentioned in said petition and the prayer of said petition, and it shall notify all persons interested in, or who may be affected by the change of the boundaries of said district, to appear at the office of said board at the time named in said notice, and show cause in writing, if any they have, why the change of the boundaries of said district as proposed in said petition should not be made. The time specified in the notice at which they shall be required to show cause shall be at a regular meeting of the board. The board of supervisors at the time and place mentioned in the notice, or at any time or times to which the said petition may be adjourned, shall proceed to hear the petition and all evidence or proofs that may or shall be introduced by or on behalf of the petitioner or petitioners, and all objections to said petition that may or shall be presented in writing by any person showing cause as aforesaid, and all evidence or proofs that may be introduced in support of such objection. Such evidence shall be taken down in shorthand and a record made thereof and filed with the board.

Petition to include additional land.

Publication of notice.

Personal notice to property owners.

Hearing of petition.

Assent of interested parties

The failure of any person interested in said district, other than the holders of legally issued warrants of said district, to show cause in writing why the tract or tracts of land mentioned in said petition should not be included in said district, shall be deemed and taken as an assent by him to the inclusion of such tract or tracts of land or any part thereof in said district; and the filing of such petition with said board as aforesaid shall be deemed and taken as an assent by each and all of such petitioners to the inclusion within the said district of land mentioned in the petition or any part thereof. The expense of giving said notice and of the aforesaid proceeding, should be paid by the person or persons filing such petition.

Expense.

Board may deny petition.

If, upon the hearing of any such petition, no evidence or proofs in support thereof be introduced, or if the evidence fails to sustain said petition or if the board deems it not for the best interests of the district that the land or some portion thereof mentioned in the petition should be included within said district, the board shall order that said petition be denied as to such land; but if the board deems it for the best interest of the district that the land mentioned in the petition or some portion thereof be included within the district, and if no person interested in the district show cause in writing why the said land or some portion thereof should not be included within the district, or if having shown cause, withdraws the same, or upon the hearing fails to establish such objections as he may have made then it shall be the duty of the board forthwith to make an order that the lands mentioned and described in the petition or some defined portion thereof be included within said district; *provided*, that if the holders of the legal title representing ten per cent of the total acreage embraced within the exterior boundaries of said district, as appears from the last assessment list made and placed in said district, or if none has been made, then as appears from the petition for the organization of the district or the supplemental petitions filed to include and exclude lands from the district, file with the board of supervisors of said county written objections to the inclusion of such land within the district, it shall be the duty of said board of supervisors to forthwith deny said petition and refuse to include said land within the boundaries of said district.

Or may grant.

Petition may be blocked by owners of 10 per cent of acreage of district.

If granted, petitioners shall contribute on account of past expenditures.

In the event the board of supervisors determine that the land described in said petition or any portion thereof should be included within the exterior boundaries of said district, then the board shall require evidence of the amount of money expended theretofore by the district for improvements and expenses, and before it shall make its order declaring said land or a portion thereof to be included in said district, the board shall require said petitioners to pay to the county treasurer the amount which said board shall deem equitable as and for the contribution of said tract of lands or a portion thereof toward the work already done by the district and the money expended by the district, which said money shall be paid

into the county treasury in the county in which said district is formed, and the board before making its written order declaring said tract of land or a portion thereof a part of said district, shall require a receipt from the petitioner or petitioners showing that the sum of money ordered by the board to be paid into the county treasury has been paid. In case there is at the time of such application, or at any time prior to the final determination thereof, a lien upon the lands within the district for assessment, then, in addition to the foregoing, the board of supervisors must determine the amount that the tract of land to be included within the district should be assessed for, and shall so order, and from the time that the order is so made the same shall constitute a lien against said land included within the district, and shall have the same force and effect as the liens hereinbefore provided for in this act, and the same shall be due and payable at the same time or times as the assessment made upon the lands already within the district.

Shall also be included in current assessments.

2. The owner, or owners in fee, of one or more tracts of land within the boundaries of the district, may jointly or severally file with the board of supervisors of the county in which the district or greater part thereof is situate, a petition praying that such tract or tracts may be excluded from said district. The petition shall state the grounds and reasons upon which it is claimed that such land should be excluded. Such petition must be acknowledged in the same manner and form as is required in the case of conveyance of land and the acknowledgment shall have the same force and effect as the acknowledgment of such a conveyance. The clerk of the board of supervisors shall cause a notice of filing of such petition to be published at least two weeks in some newspaper of general circulation published in the county where said district was formed, and if any portion of such territory to be excluded lies within another county or counties, then such notice shall be so published in a newspaper published within each of said counties; or if no newspaper be published therein, then by posting such notice for the same time in at least three public places within said district, and in the case of posting of said notices one of said notices must be so posted on the land proposed to be excluded. In addition to the notice by publication or posting, as above provided, he shall cause such notice to be mailed to each person owning property within said district, by United States mail, postage prepaid to the post-office address of such land owner, if known, and if not known then to his last known address. Said notice shall be mailed at least ten days before the day set for such hearing. The notice shall state the filing of such petition, the names of the petitioners, a description of the land mentioned in said petition and the prayer of said petition, and it shall notify all persons interested in, or who may be effected by, the change of the boundaries of said district to appear at the office of said board at the time named in said notice, and show cause in writing, if any they have, why the change of

Petition to exclude land from district.

Publication of notice.

Personal notice to property owner.

the boundaries of said district as proposed in said petition should not be made. The time specified in the notice at which they shall be required to show cause shall be at a regular meeting of the board. The board of supervisors at the time and place mentioned in the notice or at any time or times to which the said petition may be adjourned, shall proceed to hear the petition and all evidence or proofs that may or shall be introduced by or on behalf of the petitioner or petitioners and all objections to said bonds or petition that may or shall be presented in writing by any person showing cause as aforesaid, and all evidence or proofs that may be introduced in support of such objection. Such evidence shall be taken down in shorthand and a record made thereof and filed with the board. The failure of any person interested in said district, other than the holders of legally issued warrants of said district, to show cause in writing why the tract or tracts of land mentioned in said petition should not be excluded from said district, shall be deemed and taken as an assent by him to the exclusion of such tract or tracts of land or any part thereof from said district; and the filing of such petition with said board as aforesaid shall be deemed taken as an assent by each and all of such petitioners to the exclusion from said district of the land mentioned in the petition or any part thereof. The expenses of giving said notice and of the aforesaid proceeding, shall be paid by the person or persons filing such petition. If, upon the hearing of any such petition, no evidence or proofs in support thereof be introduced, or if the evidence fails to sustain said petition, or if the board deems it not for the best interests of the district that the land or some portion thereof mentioned in the petition should be excluded from said district, the board shall order that said petition be denied as to such land; but if the board deems it for the best interest of the district that the land mentioned in the petition, or some portion thereof, be excluded from the district, and if no person interested in the district show cause in writing why the said land or some portion thereof should not be excluded from the district, or if, having shown cause withdraws the same, or upon the hearing fails to establish such objections as he may have made, then it shall be the duty of the board forthwith to make an order that the lands described and mentioned in the petition, or some defined portion thereof, be excluded from said district; *provided*, that if the holders of the legal title representing ten per cent of the total acreage embraced within the exterior boundaries of said district, as appears from the last assessment list made and placed in said district, or if none has been made, then as appears from the petition for the organization of the district or the supplemental petitions filed to include and exclude land from the district, file with the board of supervisors of said county written objections to the exclusion of such land from the district, it shall be the duty of said board of supervisors forthwith to deny said petition and refuse to exclude said land from the boundaries of said district.

Hearing of
petition.

Assent of
interested
parties.

Expense.

Board
may deny
petition.

Or may
grant.

Petition may
be blocked
by owners of
10 per cent
of acreage
of district.

If there be outstanding bonds or assessments of the district at the time of the filing of said petition, or at any time prior to the final determination of said petition by the board of supervisors whether the same be due or not, in the event that the board determines that the said land or any portion thereof shall be excluded from the district, the same shall not be released from the lien hereinbefore in this act provided, for said assessment charges, but the same shall remain in full force and effect.

Excluded
land not
released from
out-standing
liens.

CHAPTER 20.

An act to validate bonds of school districts and high school districts and to provide for the levy and collection of taxes to pay the principal and interest on such bonds.

[Approved April 17, 1923.]

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

SECTION 1. Where in any school district of any kind or class, including union school districts and joint union school districts or high school districts of any kind or class, including city high school districts, union high school districts and joint union high school districts, proceedings have been taken for the purpose of issuing and selling bonds of such district, for any purpose or purposes, all the acts and proceedings of the board of trustees, board of education or other governing body of such district and all the acts and proceedings of the board of supervisors of the county within which such district is situated, leading up to and including the issuance of such bonds if they have heretofore been sold, and all such acts and proceedings heretofore had although the bonds are not yet sold, are hereby legalized, ratified, confirmed and validated to all intents and purposes, and the power of such district and of the board of supervisors of the county in which such district is situated, to issue such bonds, is hereby ratified, confirmed and declared, and the bonds heretofore sold are declared to be, and the bonds hereafter sold shall be, the legal and binding obligations of and against the district having heretofore issued, or hereafter issuing, such bonds, and the faith and credit of such district is hereby pledged for the prompt payment and redemption of the principal and interest of said bonds.

Bonds of
school
districts and
high school
districts
validated.

SEC. 2. For the purpose of paying the interest on such bonds as it becomes due and the principal thereof at maturity, the assessors, treasurers, boards of supervisors, and other officers of the respective counties, shall have the same powers and shall perform the same duties as are provided by law relative to the assessment, levy and collection of taxes, and custody of funds, for the payment of the principal and interest of bonds of school districts and high school districts of every kind or class, respectively.

Levy of
taxes.

Bonds
excepted.

SEC. 3. This act shall not operate to legalize any bonds which have been sold for less than par, nor to legalize any bonds the issuance of which has not received the assent of two-thirds of the qualified electors of such district, voting at an election held for the purpose of determining whether such indebtedness shall be incurred, nor to legalize any bonds which mature at a date more than forty years from the time of their issuance, but shall legalize all bonds of issues in excess of the limitation prescribed by law upon the bonded indebtedness of any district where at the time of the taking effect of this act the total outstanding bonded indebtedness of such district does not exceed such debt limit.

Urgency
measure.

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section one of article four of the constitution of the State of California and shall take effect immediately.

The facts constituting such urgency are as follows:

In certain of the school and high school districts of the state schoolhouses have been destroyed by explosion and fire leaving such districts entirely without buildings or facilities for carrying on their work whereby the pupils are prevented from attending school. In certain of such districts proceedings have been taken for the purpose of, or resulting in the issuance of bonds of such districts, the sale of which would make possible the building of new schools and relieve the aforementioned situations. However, the marketability of many of such bond issues has been most injuriously affected due to the fact that serious doubts have arisen as to the regularity of the proceedings taken in connection with the issuance of such bonds, and for these reasons such districts are not able to go ahead with the work of constructing new buildings and can not take care of the pupils who have been forced out of school.

CHAPTER 21.

An act to approve, confirm, ratify and validate sales and conveyance of real property made by school districts or high school districts or by boards of education or boards of trustees or other governing bodies thereof, or by the board of education of any city, and to approve, confirm, ratify and validate instruments executed or delivered in connection with or as a part of any such sales.

[Approved April 19, 1923.]

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

Sales and
conveyances
of school
property
validated.

SECTION 1. Any sale and conveyance of real property made after July 30, 1917, and before the passage of this act by any school district or high school district of whatever kind or class, or any board of education or board of trustees or other

governing body thereof, or by the board of education of any city (such boards or bodies being hereinafter designated "school authorities"), is hereby approved, confirmed, ratified and validated to all intents and purposes and the power of the district or school authorities selling and conveying such real property to sell and convey the same is hereby acknowledged, granted, ratified, confirmed and declared, and all deeds and other instruments given by any district or school authorities in connection with or as a part of any such sale and conveyance, and all payments, purchase money obligations and instruments, including mortgages and deeds of trust, given by the purchaser of any such real property in connection with or as a part of any such sale and conveyance are hereby ratified, approved, confirmed and declared to be legal and binding notwithstanding any want of power of the district or school authorities selling and conveying such real property to sell and convey the same, or any invalidity or irregularity in or affecting the proceedings for any such sale and conveyance; *provided*, that such property was sold at public sale or competition following notice, fixing a time and place within the district for such sale and describing or identifying the property sold, given by the district or school authorities and either posted in a public place within the district at least five days before the sale, or published at least once at least five days before the sale in a newspaper of general circulation published in the district wherein said property was situated. Proviso.

CHAPTER 22.

An act to amend section fifteen and one-half of an act entitled "An act to divide the State of California into fish and game districts," and to repeal an act entitled "An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into six fish and game districts,' approved March 21, 1911, and all acts or parts of acts inconsistent herewith," approved May 28, 1917, as amended, relating to fish and game districts.

[Approved April 19, 1923.]

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

SECTION 1. Section fifteen and one-half of an act entitled "An act to divide the State of California into fish and game districts," and to repeal an act entitled "An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into six fish and game districts,' approved March 21, 1911, and all acts or parts of acts inconsistent herewith," approved May 28, 1917, as amended, is hereby amended to read as follows: Stats. 1921,
p. 272,
amended.

Sec. 15½. Fish and game district two and one-half shall consist of and include that portion of townships twenty-four north, range nineteen west; twenty-four north, range eighteen District two
and one-half.

west; twenty-three north, range eighteen west; twenty-three north, range seventeen west; twenty-two north, range eighteen west; twenty-two north, range seventeen west; twenty-one north, range seventeen west, west of the summit of the divide between the Pacific ocean and the south fork of the Eel river.

All of townships twenty north, range seventeen west; nineteen north, range seventeen west; eighteen north, range seventeen west; eighteen north, range sixteen west; seventeen north, range seventeen west; seventeen north, range sixteen west; sixteen north, range seventeen west; sixteen north, range sixteen west; fifteen north, range seventeen west; fifteen north, range sixteen west; fourteen north, range seventeen west; fourteen north, range sixteen west; thirteen north, range seventeen west; thirteen north, range sixteen west; twelve north, range seventeen west; twelve north, range sixteen west; eleven north, range sixteen west; eleven north, range fifteen west.

All being townships located in western Mendocino county.

CHAPTER 23.

An act to amend sections two, three, four, six, eight, nine and ten of an act entitled "An act to provide for the indication by the registered qualified electors of their choice for nomination by their respective political parties for president of the United States through the election of the delegates of said political parties to their respective national conventions, and to repeal an act approved December 24, 1911, known as the presidential primary act, and also to repeal all other acts or parts inconsistent with or in conflict with the provisions of this act," approved April 28, 1915, as amended; and to repeal sections eleven, twelve and thirteen of said act.

[Approved April 20, 1923.]

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

SECTION 1. Section two of an act entitled "An act to provide for the indication by the registered qualified electors of their choice for nomination by their respective political parties for president of the United States through the election of the delegates of said political parties to their respective national conventions, and to repeal an act approved December 24, 1911, known as the presidential primary act, and also to repeal all other acts or parts inconsistent with or in conflict with the provisions of this act," approved April 28, 1915, as amended, is hereby amended to read as follows:

Sec. 2. The chairman of the state central committee of each of the political parties qualified to participate in the election provided for in this act shall notify the secretary of state on or before the first day of March of each year of the general November election at which electors of president and vice president of the United States are to be chosen, as to the num-

Stats. 1915,
p. 279,
amended.

Secretary of
state to be
notified of
number of
delegates

ber of delegates to represent the state in the next national convention of his said party. If said chairman, or any of them, fail to file such notice, it shall be the duty of the secretary of state to ascertain the said number of delegates from the call for said national convention issued by the national committee of each party whose chairman has failed to notify him as aforesaid. The delegates who shall represent each political party at its national convention shall all be elected by the voters of the state at large. The secretary of state shall, on or before the tenth day of March of the year of the May presidential primary election, certify to the county clerk or registrar of voters of each county, or city and county, the number of delegates to be so elected by each of the political parties qualified to participate in the said election. Any political party shall be qualified to participate in the May presidential primary election which is qualified to participate in the August primary election according to the provisions of the "direct primary law."

Elected at large.

Parties qualified to participate.

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

Sec. 3. The names of persons to be voted upon as delegates to the respective national conventions of the several political parties shall be printed upon the ballots of their respective parties upon the filing of nomination papers substantially as provided in the "direct primary law"; *provided*, that, in the case of each party, nomination papers for candidates for delegates must be signed by the same number of electors as is required on the nomination paper of a candidate for United States senator; *and provided, also*, that whenever a candidate for delegate files a statement with the secretary of state, as hereinafter provided in this section, wherein as a delegate he enrolls himself with other delegates in expressing his preference for the same person as candidate for presidential nominee, there may be nominated by the same nomination paper the names of all such candidates for delegates who are included in such statement as have individually filed similar statements with the secretary of state. The form of nomination paper as set forth in section five of said direct primary law shall be changed for this purpose by substituting, in the appropriate place, for the name of a single candidate, as follows: "hereby nominate the following:

Delegates to national conventions.

Number of signers.

When delegates prefer same candidate.

Form of nomination paper.

Names.	Residence City or Town.	County.	Number Congressional District.
1. -----	-----	-----	-----
2. -----	-----	-----	-----
3. -----	-----	-----	-----

(to 20 names, or such other number as may be required.)

as candidates for delegate to the ----- national party convention, to be voted for at the primary election to be held on the ----- day of May, 19____."

And by making such other changes in said form as may be necessary. The verification deputies to obtain signatures on

Verification deputies.

the nomination paper for such group of candidates for delegates may be appointed, either according to the provisions of subdivision two *a* of section five of said direct primary law, by said candidates for delegates joining together in the appointment of said deputies; or, according to the provisions of subdivision two *b* of said section five, by the "five registered qualified electors" appointing said deputies to obtain signatures for the nomination of all of said candidates whose names are grouped together on the same nomination papers; *provided, however*, that the number of such candidates for delegates shall not be greater than the total number of delegates to be elected by said party; *and provided, further*, that the names of such candidates thus grouped together shall be so selected that the smallest number of such candidates who shall reside in any one congressional district shall be no less than the integer of the quotient obtained by dividing the number of the names of such candidates appearing upon the same nomination paper by the total number of congressional districts of the state and that the largest number of such candidates who shall reside in any one congressional district shall be no greater than twice said integer; and if not so selected said names shall not be grouped together on the ballot, but shall appear as individuals.

Grouping of candidates.

Names grouped on ballot.

Endorsement by candidate.

Affidavit.

Candidates for delegate grouped together on the same nomination paper and selected as aforesaid shall be similarly grouped, in the same order of names, upon the ballots of their party; *provided*, that such group of candidates for delegate has the endorsement of that candidate for presidential nominee for whom the members of said group have filed a preference, or the endorsement of such a state campaign committee created in support of the candidacy of said presidential nominee as shall not be repudiated by him as lacking authority to make such endorsement; said endorsement, either of the candidate or of the state campaign committee supporting him, to be filed with the secretary of state. No candidates for delegate not thus endorsed shall have their names printed upon the ballot in a group, but such candidates must appear as individuals; *and further provided*, that the name of no candidate shall appear more than once on the ballot, and that any candidate whose nomination paper is filed in more than one group, or in the same group differently arranged, shall have his name printed on the ballot as a part of that group which has had first filed the endorsement as herein recited; *provided*, that one of the groups in which his name occurs has received such endorsement. Each candidate for election as delegate to his national party convention must file with the secretary of state not later than the time of filing of the nomination papers containing his name, an affidavit substantially as provided in section five of the "direct primary law," and may also include with his affidavit the following statement:

DELEGATE'S STATEMENT.

"I personally prefer ----- as nominee of my political party for president of the United States, and hereby declare to the voters of my party in the State of California that if elected as delegate to their national party convention, I shall, to the best of my judgment and ability, support said ----- as nominee of my party for president of the United States" (filling in the blanks by inserting his choice for such nominee). But the neglect or failure of any candidate to include any statement of preference for presidential nominee shall not be a valid ground on the part of the secretary of state for refusal to receive and file the nomination paper containing his name.

Additional statement.

However, each candidate for delegate whose name is filed upon a nomination paper together with the names of other candidates, as hereinbefore in this section provided, in order to have his name printed upon the ballot in a group with such other names, must file such statement of preference, and shall add to it the following:

Statement of preference.

"And I hereby enroll myself in the expression of preference for said ----- for presidential nominee, as one of the following named candidates for delegate:

Additional statement.

 etc.

(the blanks immediately following the word "delegate" being filled in by the printed or typewritten names of all the candidates for delegate, including the signer, whose names appear upon the same nomination paper in accordance with the provisions of this section).

(Signed) -----"

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

Sec. 4. The names of the candidates for delegate of any political party shall be arranged upon the ballot of such party in parallel columns, the various candidates for delegate appearing in these columns under their preference for president according to the provisions of section three of this act. That group of candidates which shall first file its nomination paper with the secretary of state shall be entitled to the first or left hand column; the group which next files its nomination paper shall be entitled to the second column; and similarly for all other groups. The left column shall be headed in heavy face, ten point, gothic type, the following:

Names of candidates in parallel columns.

"CANDIDATES PREFERRING -----"

(The blank being filled in by the name of that candidate for presidential nominee for whom the members of the group in said left hand column have expressed a preference.) The

Headings.

second column shall be similarly headed except that the name of the candidate shall be that preferred by the members of the group in said second column; and so on for as many columns as may have groups who have expressed a preference for presidential nominee.

"No preference" column.

To the right of the last column headed by the name of a candidate for presidential nominee shall be a column headed by the words "no preference," in heavy face, ten point, gothic type, in which column shall appear the names of all candidates for delegate who have expressed no preference for presidential nominee, or who have expressed a preference for a presidential nominee who has not endorsed said candidates, either personally, or through the state campaign committee created in support of his candidacy, as such endorsement is provided for in section three of this act. To the right of the last column shall be a column headed by the words "blank column" in heavy face, ten point, gothic type, which column shall contain as many blank spaces as there are delegates to be elected by the political party concerned. In case that there are no names of candidates for delegate to be placed in a "no preference column," such "no preference column" shall be omitted from the ballot, and the "blank column" as herein provided for shall be placed to the right of and contiguous to the last column headed by the surname of a candidate for presidential nominee.

Blank column.

Style of printing names.

The names of the various candidates for delegates shall be printed in eight point, roman capital type, under their respective preferences for presidential nominee or in the no preference column, as heretofore provided in this act. The names of each group on the ballot shall be numbered in heavy face, eight point type. The order of names for each column upon the ballot shall be the same as the order in which such names were filed with the secretary of state; *provided*, that above the individual names in each column, if any, shall appear the group of names, if any, which has received the endorsement referred to in section three of this act.

Arrangement for voting.

A blank column one-half inch wide shall be left upon the ballot opposite each group of names and to the right of the column of voting squares for the individual names and separated from it by a light dotted line, which blank column shall contain a square in which may be stamped a cross (X) which shall be counted as a vote for each and every name in the group opposite. Lengthwise along this blank column shall be printed "A cross (X) stamped in this square shall be counted for each name of the group to the left." The line separating any name from any other name not in a group or from any group of names shall be heavier than any line separating the individual names in such group, and shall extend across the blank column provided for in this paragraph. Below the top line of this extension shall be printed in small heavy face type the words "top of group," and above the bottom line of the extension, the words "end of group."

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

SEC. 6. For purposes of the May presidential primary election only the new registration, beginning on January first of the year in which such May presidential primary election is held, shall be used. Any person registered in accordance with the provisions of this section, and who has stated his political affiliation in accordance with sections one thousand ninety-six and one thousand ninety-seven of the Political Code, shall be qualified to vote at such election, and shall receive the ticket of that political party only with which he has declared himself affiliated. Any person qualified by the provisions of this section to vote at any May presidential primary election shall also be qualified to sign the nomination papers of any person to be voted upon at such primary election.

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

SEC. 8. The provisions of the direct primary law, including the provisions as to the preparing and mailing of sample ballots, shall govern the May presidential primary election in so far as said provisions are applicable to said election and are not inconsistent with or in conflict with the provisions of this act.

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

SEC. 9. This act shall be known as the presidential primary act.

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

SEC. 10. It shall be the duty of the secretary of state and the attorney general to prepare, on or before the first day of January, 1924, all forms necessary to carry out the provisions of this act, which forms shall be substantially followed in all presidential primary elections held in pursuance hereof.

SEC. 8. Sections eleven, twelve and thirteen of this act are hereby repealed, and all other acts and parts of acts inconsistent with or in conflict with the provisions of this act are also hereby repealed.

CHAPTER 24.

An act authorizing boards of supervisors of counties to establish and maintain museums.

[Approved April 24, 1923.]

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

SECTION 1. The board of supervisors of any county may by ordinance declare its intention to establish and maintain a museum of history, science and art, or of one or more of such similar objects, under the provisions of this act. After such ordinance has taken effect the board of supervisors shall have

and may exercise any or all of the powers in this act provided, either directly or by agents under its direction and control, and any other power necessary and proper to promote the objects and purposes of a museum as an institution devoted to the acquisition, exhibition and utilization of scientific, artistic, historical or similar illustrative material.

Property. SEC. 2. Such board of supervisors shall have power to acquire real and personal property necessary properly to house and care for the exhibits and materials placed in such museum, and for the management of the same.

Library. SEC. 3. Such board of supervisors shall have power to acquire and maintain a library in furtherance of the objects of the museum.

Material. SEC. 4. Such board of supervisors shall have power to purchase, collect, trade or exchange for, or otherwise acquire exhibition or study material proper or necessary for the use of the museum and may sell, loan or exchange such material acquired by it, according to the established custom of museums.

Public meetings. SEC. 5. Such board of supervisors shall have power to conduct lectures, entertainments and receptions and hold meetings in furtherance of the interests of the museum for the purpose of acquainting the public with material or exhibitions in the museum, or in order that the educational advantages offered by the museum may be widely distributed.

Research. SEC. 6. Such board of supervisors may conduct or assist study, investigation or research in any department established by such museum.

Instruction. SEC. 7. Such board of supervisors may conduct special or technical schools or institutes for instruction in any of the matters pertaining to or connected with the museum and may charge such fees as may be necessary to defray the cost of such instruction.

Cooperation. SEC. 8. Such board of supervisors may cooperate with other governmental agencies, with universities, colleges, technical schools, societies or individuals in the advancement of learning in the arts and sciences.

Publications. SEC. 9. Such board of supervisors may publish documents pertaining to the work of the museum and may sell or exchange or distribute the same without charge.

Employees. SEC. 10. Such board of supervisors may employ such curators, attendants or other persons as may be necessary to conduct such museum and carry out the powers granted by this act.

Associations. SEC. 11. Any county in which a museum has been established and is being maintained under this act may become associated with other governmental agencies, associations, societies or persons in any society, association or conference the purpose of which is the promotion of museums and the objects advanced by museums, and its board of supervisors may send a representative to any meeting of any such society, association or conference.

CHAPTER 25.

An act to amend section one thousand five hundred sixty-one of the Code of Civil Procedure, relating to sale of property under direction or authority of legislator.

[Approved April 24, 1923.]

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

SECTION 1. Section one thousand five hundred sixty-one of the Code of Civil Procedure is hereby amended to read as follows:

1561. When property is directed by the will to be sold, or authority is given in the will to sell property, the executor may sell any property of the estate, at either public or private sale, and with or without notice, as the executor may determine; but the executor must make return of sales as in other cases; and if directions are given in the will as to the mode of selling, or the particular property to be sold, such directions must be observed. In either case no title passes unless the sale be confirmed by the court; but the necessity, advantage or benefit to the estate, or to those interested therein, of the sale need not be shown.

Sale without order.

CHAPTER 26.

An act to amend section six hundred two of the Civil Code, relating to corporations sole.

[Approved April 24, 1923.]

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

SECTION 1. Section six hundred two of the Civil Code is hereby amended to read as follows:

602. Whenever the rules, regulations, or discipline of any religious denomination, society, or church so require, for the administration of the temporalities thereof, and the management of the estate and property thereof, it shall be lawful for the bishop, chief priest, president, district superintendent or other presiding officer of such religious denomination, society, or church to become a sole corporation, in the manner prescribed in this title, as nearly as may be, and with all the powers and duties, and for the uses and purposes in this title provided for religious incorporations, and subject to all the conditions, limitations, and provisions in said title prescribed. Every corporation sole shall, however, for the purposes of the trust, have power to contract in the same manner and to the same extent as a natural person, and may sue and be sued, and may defend, in all courts and places, in all matters and proceedings whatever, and shall have authority to borrow money, and give promissory notes therefor, and to secure the payment thereof by mortgage or other lien upon property, real or personal;

Religious society may become a corporation sole.

Powers.

Articles of incorporation to set forth what.

Certain limitation does not apply.

Continuation of corporation sole.

to buy, sell, lease, mortgage, and in every way deal in real and personal property in the same manner that a natural person may, and without the order of any court; to receive bequests and devises for its own use or upon trusts to the same extent as natural persons may; and to appoint attorneys in fact. The articles of incorporation to be filed shall set forth the facts authorizing such incorporation, and declare the manner in which any vacancy occurring in the incumbency of such bishop, chief priest, president, district superintendent or other presiding officer is required by the rules, regulations, or discipline of such denomination, society, or church to be filled, which statement shall be verified by affidavit, and for proof of the appointment or election of such bishop, chief priest, president, district superintendent or other presiding officer, or of any succeeding incumbent of such corporation, it shall be sufficient to record with the clerk of the county in which such bishop, chief priest, president, district superintendent or other presiding officer resides, the original or a copy of his commission, or certificate, or letters of election or appointment, duly attested; *provided*, all property held by such bishop, chief priest, president, district superintendent or other presiding officer shall be in trust for the use, purpose, and behoof of his religious denomination, society, or church. The limitation in section five hundred and ninety-five shall not apply to corporations formed under this section, when the land is held or used for churches, hospitals, schools, colleges, orphan asylums, parsonages, or cemetery purposes. Any judge of the superior court in the county in which any corporation is formed under this chapter shall at all times have access to the books of such corporation. Any corporation sole heretofore organized and existing under the laws of this state may elect to continue its existence under this title by filing a certificate to that effect, under its corporate seal and the hand of its incumbent, or amended articles of incorporation, in the form required by this title, and as prescribed by section two hundred and eighty-seven of this code; and from and after the filing of such certificate or amended articles, such corporations shall be entitled to the privileges and subject to the duties, liabilities, and provisions in this title expressed.

CHAPTER 27.

An act to repeal section one thousand five hundred twenty-seven of the Code of Civil Procedure, relating to probate sales of personal property.

[Approved April 24, 1923.]

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

C. C. P.
Sec. 1527,
repealed.

SECTION 1. Section one thousand five hundred twenty-seven of the Code of Civil Procedure is hereby repealed.

CHAPTER 28.

An act to amend section six hundred twenty-eight b of the Penal Code, relating to the protection of fish.

[Approved April 24, 1923.]

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

SECTION 1. Section six hundred twenty-eight b of the Penal Code is hereby amended to read as follows:

628b. Every person who at any time, except with hook and line and in the manner commonly known as angling, takes, catches or kills any black bass, Sacramento perch, crappie, calico bass or any variety of sunfish, or has in his possession more than twenty-five black bass, Sacramento perch, crappie, calico bass or any variety of sunfish, during one calendar day, or who takes, catches, kills or has in his possession any black bass less than seven inches in length, or who buys, sells, offers or exposes for sale any black bass, Sacramento perch, crappie, calico bass or any variety of sunfish; every person who in any fish and game district, between the first day of December and the thirtieth day of April of the year following, both dates inclusive, takes, catches, kills or has in his possession any black bass, Sacramento perch, crappie, calico bass or any variety of sunfish, is guilty of a misdemeanor; *provided*, that in fish and game district four and three-quarters, black bass may be taken in the manner and amount provided elsewhere in this section at any time of the year.

Protection of
bass, perch,
sunfish, etc.

Nothing in this section shall prohibit the taking of black bass at any time in any lake exceeding seventy-five square miles in area, within the boundaries of fish and game district number two; *provided*, that no person may take, kill, catch or destroy more than ten black bass, in such lake or lakes in any one calendar day, or have in possession more than ten black bass taken from such lake or lakes in one calendar day.

Provided, further, nothing in this section shall prohibit the possession within the boundaries of fish and game district number two of black bass taken in such lake or lakes during the open season for such lake or lakes.

Every person who at any time, has in his possession for sale, or sells, or offers for sale, any catfish, between the first day of April and the fourteenth day of September, inclusive, of any year, or who at any time has in his possession for sale, or sells, or offers for sale, any dressed catfish, which shall measure less than seven inches in length, exclusive of any part of the head, or who at any time has in his possession for sale, or sells, or offers for sale, any undressed catfish less than nine inches in length, or who retains any catfish in live cars or boats that do not measure nine inches in length, or who at any time, within a period five years, kills or has in his possession any sturgeon, is guilty of a misdemeanor.

Nothing in this section, or elsewhere in this code, shall prohibit the state fish and game commission, or persons authorized

by it from taking at all times such fish as they may deem necessary for scientific purposes, or for purposes of propagation.

CHAPTER 29.

An act to amend section six hundred twenty-six k of the Penal Code, relating to the protection of game.

[Approved April 24, 1923.]

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

SECTION 1. Section six hundred twenty-six k of the Penal Code is hereby amended to read as follows:

Certain game
not to be
sold.

626k. Every person who buys, sells, offers or exposes for sale, barter, or trade, any quail, partridge, dove, pheasant, grouse, sagehen, rail, ibis, plover, or any snipe or other shore bird (*Limicolæ*) or any wild duck, or wild goose, or any deer meat, whether taken or killed in the State of California, or shipped into the state from any other state, territory, or foreign country, is guilty of a misdemeanor.

CHAPTER 30.

An act to amend section four of an act entitled "An act to create a drainage district to be called Knight's Landing ridge drainage district; to promote drainage therein by the making of a cut through Knight's Landing ridge, and the construction of a canal therefrom; to provide for the election and appointment of officers of said drainage district; defining the powers, duties and compensation of such officers; and providing for the levying and collecting assessments upon the lands within said drainage district; the issuance of bonds by said drainage district and testing the validity of the levy of such assessments and the issuance of such bonds," approved April 30, 1913.

[Approved April 24, 1923.]

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

Stats. 1913,
p. 116,
amended

SECTION 1. Section four of the act entitled "An act to create a drainage district to be called Knight's Landing ridge drainage district; to promote drainage therein by the making of a cut through Knight's Landing ridge, and the construction of a canal therefrom; to provide for the election and appointment of officers of said drainage district; defining the powers, duties and compensation of such officers, and providing for the levying and collecting assessments upon the lands within said drainage district; the issuance of bonds by said drainage district and testing the validity of the levy of such assessments and the issuance of such bonds." approved April 30, 1913, is hereby amended to read as follows:

Sec. 4. The board of drainage commissioners shall elect one of their number as president, and shall elect a secretary who may or may not be a member of said board, and an engineer, who shall not be a member of said board, and employ such other persons as may be necessary to assist and advise said board. The office of said board of drainage commissioners shall be kept in a county wherein part of the land of said district lies. The board shall hold regular meetings as the by-laws of the district may provide. At all meetings three of said members shall constitute a quorum for the transaction of any and all business. Special meetings may be called and held at such times and in such manner as the by-laws may provide. Any meeting at which all of the members of said board are present shall be deemed a regular meeting at which any business may be transacted. No commissioners shall be disqualified from participating in any and all proceedings or actions of the board of drainage commissioners except he shall not cast a deciding vote upon a motion or resolution to pay money or award a contract directly to himself. Each commissioner shall receive ten dollars per day and necessary mileage actually expended while engaged in the performance of his duties.

Organization
of boardOffice of
board.

Meetings.

Compensation

CHAPTER 31.

An act to amend section four of the act entitled "An act to create a levee district to be called and designated Sacramento river west side levee district, to prevent the overflow of flood waters from the Sacramento river from flooding on to the lands within said district by construction of levees along the west bank of the Sacramento river and adjacent thereto, and maintain the same; providing for the election and appointment of officers of said levee district; defining the powers, duties and compensation of such officers; and providing for levying and collecting assessments upon the lands within said levee district," approved May 18, 1915.

[Approved April 24, 1923.]

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

SECTION 1. Section four of the act entitled "An act to create a levee district to be called and designated Sacramento river west side levee district, to prevent the flow of flood waters from the Sacramento river from flooding on to the lands within said district by construction of levees along the west bank of the Sacramento river and adjacent thereto, and maintain the same; providing for the election and appointment of officers of said levee district, defining the powers, duties and compensation of such officers; providing for levying and collecting assessments upon the lands within said levee district." approved May 18, 1915, is hereby amended to read as follows:

Stats. 1915,
p. 522,
amended.

Officers
of board

Meetings

Compensation.

Sec. 4. The board of levee commissioners shall elect one of their number as president, and shall elect a secretary who may or may not be a member of said board, and an engineer who shall not be a member of said board, and employ such other persons as may be necessary to assist and advise said board. The office of said board of levee commissioners shall be located in a county wherein part of the land of said district lies. The board shall hold regular meetings as the by-laws of the district may provide. At all meetings three of said members shall constitute a quorum for the transaction of any and all business. Special meetings may be called and held at such times and in such manner as the by-laws may provide, but all meetings both regular and special shall be held in the office of the district. Any meeting of the commissioners, at which all members of the board are present shall be deemed a regular meeting at which any business may be transacted. No commissioner shall be disqualified from participating in any and all proceedings or actions of the board of levee commissioners, except he shall not cast a deciding vote upon a motion or resolution to pay money or award a contract directly to himself. Each commissioner shall receive ten dollars per day and necessary expenses actually expended while engaged in the performance of his duties.

CHAPTER 32.

An act to amend section three thousand four hundred fifty-three of the Political Code, providing for the election of trustees; the office of said district; and of proceedings to determine legality of district.

[Approved April 24, 1923.]

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

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

Election
of district
trustees.

3453. After the formation of the district and the adoption of by-laws the board of supervisors of the county where the greater part of the district is situated, on the application of a landowner of the district, must call an election in compliance with the provisions of section three thousand four hundred ninety-one of this code, at which election there must be elected under and in pursuance of the provisions of said section three thousand four hundred ninety-one, three eligible persons, who shall constitute, when elected and qualified, the board of trustees of the district, for the management of the affairs therein, and who shall hold office for two years next succeeding their election, and until their successors are elected and qualified.

Office of
board.

Unless otherwise provided by law the board of trustees must keep an office in the county wherein the greater portion of the district is situated or in a county contiguous to said county for the transaction of the business thereof, and the

books, maps, papers, records, contracts and other documents must be kept in said office and be open to inspection during all business hours by any person interested. From and after the election of said trustees said district shall be deemed organized and shall have power to sue and be sued. Lawsuits.

The trustees of any reclamation district may commence a proceeding in the superior court of the county where the greater portion of the district is situated to determine the legality of the existence of such district. The complaint in such proceeding shall describe the district by number and the exterior boundaries thereof, and shall contain a prayer that such district be adjudged a legal reclamation district. The summons in such proceeding shall be served by publishing a copy thereof for four weeks in some newspaper of general circulation published in each county where any part of said district is situated. Within thirty days after the last publication of said summons any person who may be interested may appear and answer said complaint, in which answer the facts relied upon to show the invalidity of the district shall be set forth. If no answer be filed, the court must render judgment as prayed for in the complaint. If any answer shall be filed, the court shall thereafter proceed as in any civil case, but no district shall be adjudged invalid when it appears that such district has for five years prior to the commencement of such proceeding been prosecuting or maintaining reclamation works in good faith. The proceeding under this section is hereby declared to be a proceeding in rem, and the judgment rendered therein shall be conclusive against all persons whomsoever and against the State of California. Proceedings to determine legality of district.

No proceeding in quo warranto, nor any similar action, or proceeding shall be maintained in the name of the people of the State of California against any reclamation district that shall have continuously for five years next preceding the commencement of such proceeding been acting as such and prosecuting or maintaining its works of reclamation in good faith; *provided*, that this provision shall not effect proceedings that are now pending. No proceeding against district existing five years.

CHAPTER 33.

An act to amend the "water commission act," approved June 16, 1913, as amended, by amending section twenty-three thereof, relating to fees on applications, and by adding thereto two new sections to be numbered twenty-three a, relating to fees on permits, and twenty-three b, relating to payment of fees into the state treasury and providing for exemption from fees.

[Approved April 24, 1923.]

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

SECTION 1. Section twenty-three of the "water commission act," approved June 16, 1913, as amended, is hereby amended to read as follows: Stats 1921, p. 112, amended.

Filing fee.

Sec. 23. Every person, firm, association or corporation making application for a permit to appropriate water or the use of water under this act shall pay to the state water commission at the time of filing said application a filing fee in the sum of five dollars.

Additional amount.

Not later than five days after receipt of such an application the state water commission shall notify the applicant by registered mail of the further amount of fee, if any, due under the schedule of fees hereinafter stated, and if there is a further amount due and said amount is not received within thirty days after the date of filing said application in the office of the state water commission said application shall be rejected.

Minimum fee.

The five dollar fee paid upon filing an application shall be a minimum fee but shall be a credit to the extent of five dollars whenever the fee due upon direct diversion or storage or both totals more than five dollars under the schedule hereinafter provided and in such case the further fee due shall be the total computed amount less five dollars.

After notice as above provided and within the time hereinabove provided, such further fee as may be due shall be paid in amount as follows:

Fee for water.

For each cubic foot per second or fractional cubic foot per second of direct diversion from one cubic foot per second up to and including five hundred cubic feet per second, at the rate of one dollar per cubic foot per second.

For each cubic foot per second or fractional cubic foot per second of direct diversion from five hundred cubic feet per second up to and including two thousand cubic feet per second, at the rate of twenty-five cents per cubic foot per second.

For each cubic foot per second or fractional cubic foot per second of direct diversion over two thousand cubic feet per second, at the rate of ten cents per cubic foot per second.

For each acre-foot or fractional acre-foot of storage up to and including one hundred thousand acre-feet, at the rate of one-half cent per acre-foot.

For each acre-foot or fractional acre-foot of storage over one hundred thousand acre-feet, at the rate of one-tenth cent per acre-foot.

Also, all fees above provided for shall be paid as above provided upon all applications filed under section twelve of this act.

SEC. 2. The "water commission act," approved June 16, 1913, as amended, is hereby amended by adding thereto a new section to be numbered twenty-three *a*, and to read as follows:

Fee for power.

Sec. 23*a*. In addition to fees paid upon applications every person, firm, association or corporation shall pay upon issuance of a permit, the additional fee, if the purpose or use is for the generation of electricity or electrical or other power, of ten cents for each theoretical horsepower capable of being developed by the works up to and including one hundred theoretical horsepower, of five cents for each horsepower in excess of one hundred theoretical horsepower up to and including one thousand theoretical horsepower, and of one cent for

each theoretical horsepower in excess of one thousand theoretical horsepower; also, if for agricultural purposes, of five cents for each acre of land to be irrigated by means of said appropriation to and including one hundred acres, of three cents per acre for each acre in excess of one hundred acres up to and including one thousand acres and of two cents for each acre over one thousand acres; *provided*, that only one fee shall be paid upon issuance of two or more permits for the irrigation of the same land, whether said permits be issued simultaneously or otherwise; and that only one fee shall be paid upon issuance of two or more permits for water to be applied to the same power generating machinery or appliance whether said permits be issued simultaneously or otherwise, except, that whenever additional acreage may be irrigated or additional horsepower may be developed as a result of another permit issued or by amendment of a permit or by a supplemental permit, then a fee shall be paid for said increase in acreage or horsepower.

For
agricultural
purposes.

Sec. 3. The "water commission act," approved June 16, 1913, as amended, is hereby amended by adding thereto a new section to be numbered twenty-three *b* and to read as follows:

Sec. 23*b*. All fees paid under the provisions of sections twenty-three and twenty-three *a* of this act shall forthwith be paid into the state treasury by the state water commission. No fee shall be required from any person, firm, association, or corporation exempt by any law of the State of California from the payment of such fee.

Disposition
of fees.

Exemptions.

CHAPTER 34.

An act to add a new section to the Code of Civil Procedure to be numbered section three hundred forty-nine and one-half, relating to the limitation of the time within which actions, in which the validity of proceedings for the annexation of territory to municipal corporations, or the consolidation of municipal corporations is contested, can be commenced.

[Approved April 24, 1923.]

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

SECTION 1. A new section is hereby added to the Code of Civil Procedure to be numbered three hundred forty-nine and one-half and to read as follows:

Sec. 349½. The validity of any proceedings for the annexation of territory to a municipal corporation, or for the consolidation of municipal corporations, shall not be contested in any action unless such action shall have been brought within three months after the completion of such proceedings, or, in case such proceedings are completed prior to the time that this act takes effect, then within three months after this act shall have become effective.

City annexation and consolidation proceedings, limitation on actions.

CHAPTER 35.

An act to amend an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, as amended, designated the "bank act" by amending sections nineteen, twenty-one a, twenty-four a, thirty-seven, forty-six, sixty-one, sixty-two, sixty-five, seventy, eighty, one hundred twenty-three and one hundred thirty-nine thereof and by adding new sections thereto to be numbered sections thirty-five a and forty-nine a and repealing section thirty-six thereof, all relating to the definition and regulation of the business of banking.

[Approved April 24, 1923.]

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

Stats. 1921,
p. 1368,
amended.

SECTION 1. Section nineteen of an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, as amended, is hereby amended to read as follows:

Sec. 19. The aggregate of paid-up capital together with the surplus of every commercial bank, must equal the following percentages of its deposit liabilities:

Capital and
deposit
liabilities.

(a) Ten per centum of any amount up to and including one million dollars.

(b) Five per centum of any amount in excess of one million dollars.

The aggregate of paid-up capital together with the surplus of every savings bank having a capital stock, and the reserve fund of every savings bank without a capital stock, must equal the following percentages of its deposit liabilities:

(c) Ten per centum of any amount up to and including one million dollars.

(d) Five per centum of any amount in excess of one million dollars up to and including three million dollars.

(e) Three per centum of any amount in excess of three million dollars up to and including twenty-five million dollars.

(f) One per centum of any amount in excess of twenty-five million dollars.

Any bank which maintains branch offices must, for each respective department, maintain an aggregate of paid-up capital and surplus equal to the foregoing percentages of its deposit liabilities, calculated on the basis of a separate total of such deposit liabilities for each city or town in which any such branch office may be maintained.

The deposits shall not be increased if such proportion of paid-up capital and surplus or reserve fund to deposit liabilities is not maintained, and in no event shall said paid-up capital be less than the minimum paid-up capital provided by this act; *provided*, that such deposit liabilities shall be exclusive of United States and postal savings deposits and deposits of the State of California, the counties, cities and counties, cities and towns of said State of California and of any other governmental or political subdivision of the State of California which are secured as required by law.

SEC. 2. Section twenty-one *a* of said act approved March 1, 1909, as amended, is hereby amended to read as follows:

Stats 1921,
p 1369,
amended.

Sec. 21a. No bank, banker, or bank officer, shall give preference to any depositor or creditor except as otherwise authorized by law; *provided*, that any commercial bank or commercial department of a departmental bank, is authorized and empowered for temporary purposes, to borrow money, or to borrow money and pledge or hypothecate as collateral security therefor, its assets not exceeding fifty per centum in excess of the amount borrowed, but only to the extent and upon terms and conditions as follows:

Terms and
conditions
on which
bank may
borrow
money.

(1) Any amount up to, but not exceeding the amount of its capital and surplus, without consent of the superintendent of banks; *provided, however*, that any amount borrowed, except as otherwise provided in this section, in excess of the amount of its capital and surplus, at such time actually paid in and remaining undiminished by losses or otherwise, must first be approved in writing by the superintendent of banks; *provided, also*, that no excess loan made to any such bank shall be invalid or illegal as to the lender, even though made without the consent of the superintendent of banks; *provided, also*, that the rediscounting with or without guarantee or endorsement with a federal reserve bank, of notes, drafts, bills of exchange and loans secured by obligations of the United States, is hereby authorized and shall not be limited by the terms of this act, and shall not be considered as borrowed money within the meaning of this section.

(2) In the manner authorized by law and without the approval of the superintendent of banks, any amount of the moneys of the United States, State of California, the counties, cities and counties, cities and towns of said State of California and of any other governmental or political subdivision of the State of California, and may receive such moneys or funds on deposit.

(3) Any amount of the United States moneys and postal savings moneys of the United States and moneys of bankrupt estates, and receive such moneys on deposit, and pledge or hypothecate such of its securities and upon such terms as may be required by the laws of the United States or the rules and regulations of the secretary of the treasury of the United States, without the approval of the superintendent of banks.

(4) Any amount, in addition to the amounts authorized to be borrowed in this section, for the purpose of buying from the United States, United States bonds, United States treasury certificates, or notes or obligations of the United States.

(5) To rediscount with and sell to a federal reserve bank any and all such notes, drafts, bills of exchange, acceptances and any other securities, with no other restrictions, and as fully, and to the same extent as this privilege is given to national bank members under the terms of the federal reserve act, or by regulations of the federal reserve board made pursuant thereto.

Stats. 1921,
p. 1372,
amended.

Seal of
superin-
tendent.

Fee

Certified
copies.

No restric-
tion on
purchase of
U. S. bonds
or notes.

Stats. 1915,
p. 1110,
repealed.

Stats. 1921,
p. 1329,
amended.

Investment
in capital
stock of
corporations.

Stock of
trust
company.

SEC. 3. Section twenty-four *a* of said act approved March 1, 1909, as amended, is hereby amended to read as follows:

SEC. 24*a*. The superintendent of banks shall adopt an official seal. Every paper executed by him as such superintendent of banks in pursuance of any authority conferred on him by law, and sealed with his seal of office, shall be received in evidence, and may be recorded in the proper recording offices in the same manner and with the same effect as a deed regularly acknowledged. Whenever it is necessary for the superintendent of banks to approve any instrument and to affix his official seal thereto, the superintendent of banks shall charge a fee of five dollars for so affixing his official seal to said instrument upon his approval thereof.

Whenever it is proper to furnish a copy of any paper filed in the state banking department and to certify such paper, except where such copy or certification is made for the benefit of a corporation to which this act is applicable, the superintendent of banks may charge ten cents per folio for each such copy, and for affixing his official seal on such copy and certifying the same, one dollar.

SEC. 4. A new section is hereby added to said act approved March 1, 1909, as amended, to be numbered thirty-five *a* and to read as follows:

SEC. 35*a*. Nothing in this act contained, limiting or restricting loans or investments by banks, shall affect or be applicable to the purchase by any bank, at current value, from any source whatsoever, of any bonds or interest-bearing notes or obligations of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal or interest, or those issued under authority of the United States.

SEC. 5. Section thirty-six of said act approved March 1, 1909, as amended, is hereby repealed.

SEC. 6. Section thirty-seven of said act approved March 1, 1909, as amended, is hereby amended to read as follows:

SEC. 37. No bank shall, except as otherwise provided in this act, purchase or invest its capital or surplus or money of its depositors, or any part of either, in the capital stock of any corporation unless the purchase or acquisition of such capital stock shall be necessary to prevent loss to the bank on an obligation owned or on a debt previously contracted in good faith. Any capital stock so purchased or acquired shall be sold by such bank within six months thereafter if it can be sold for the amount of the claim of such bank against it; and all capital stock thus purchased or acquired must be sold for the best price obtainable by said bank within three years after such purchase or acquisition unless the superintendent of banks shall extend the time of its sale for a period not to exceed two years.

Any bank, with the previous written consent of the superintendent of banks, may purchase or otherwise acquire and hold the whole or any part of the capital stock of not more than one

trust company organized and existing under the laws of this state, and doing business in the same county in which the principal place of business of such bank is located; *provided, however*, that not more than an amount equal to twenty-five per centum of the capital and surplus of any such bank may be at any one time invested in the capital stock of such trust company or such other corporation; *and provided, further*, that no such trust company shall engage in or combine the business of a commercial bank or a savings bank or a title insurance company.

Any bank, with the previous written consent of the superintendent of banks, may purchase or otherwise acquire and hold the whole or any part of the capital stock of not more than one corporation authorized and empowered to conduct a safe deposit business, which such corporation is organized and existing under the laws of this state and doing business in the same city in which the principal place of business of such bank is located; *provided, however*, that not more than an amount equal to ten per centum of the capital and surplus of any such bank may be at any one time invested in the capital stock of such safe deposit corporation.

Stock of
safe deposit
corporation.

Any bank may purchase or otherwise acquire, own and hold any part of the capital stock of joint stock land banks organized and operating under "the federal farm loan act"; *provided, however*, that not more than an amount equal to ten per centum of the capital and surplus of any such bank may at any one time be invested in the capital stock of such joint stock land banks; *and provided, further*, that not more than an amount equal to five per centum of the capital and surplus of any such bank may be at any one time invested in the capital stock of any one such joint stock land banks.

Stock of
joint stock
land banks.

SEC. 7. Section forty-six of said act approved March 1 1909, as amended, is hereby amended to read as follows:

Stats. 1915,
p. 1111,
amended.

Sec. 46. No commercial bank shall purchase or agree to purchase or invest or loan more than five per centum of its assets in any one bond issue, except bonds of the United States, or interest-bearing notes or obligations of the United States, or bonds of the State of California, or bonds for which the faith and credit of the United States or the State of California are pledged, or bonds issued under authority of the United States, or the bonds of any county, city and county, city or school district in the state or bonds of any irrigation district in this state that are legal for investments by savings banks.

Investment
in one
bond issue.

SEC. 8. A new section is hereby added to said act approved March 1, 1909, as amended, to be numbered forty-nine *a* and to read as follows:

Sec. 49*a*. Any national banking association, whose principal place of business is in this state, is hereby authorized to do all things and perform all acts which banks of this state are permitted to do or perform under any provision of this act, anything herein to the contrary notwithstanding, provided that the particular conditions and restrictions prescribed

National
banks may
come under
this act

for banks of this state for the exercise of like privilege are imposed upon and complied with by such national banking association.

Stats. 1921,
p. 1386,
amended.

SEC. 9. Section sixty-one of said act approved March 1, 1909, as amended, is hereby amended to read as follows:

Sec. 61. Any savings bank may purchase, hold or sell real or personal property, as follows:

Purchase of
real and
personal
property by
savings
banks.

1. The lot and building in which the business of the bank is carried on; furniture and fixtures, vaults and safe deposit vaults and boxes and other personal property such as may be necessary or proper to carry on its banking business; such lot and building, furniture and fixtures, vaults and safe deposit vaults and boxes shall not, in the aggregate, be carried on the books of such bank as an asset to an amount exceeding its paid-up capital and surplus; and hereafter, the authority of a two-thirds vote of all of the directors shall be necessary to authorize the purchase of such lot and building, or the construction of such building.

2. Such as may have been mortgaged, pledged or conveyed to it in trust for its benefit in good faith, for money loaned in pursuance of the regular business of the corporation.

3. Such as may have been purchased at any sales under pledge, mortgage, or deed of trust made for its benefit for money so loaned and such as may be conveyed to it by borrowers in satisfaction and discharge of loans made thereon.

Bullion.

4. Gold or silver bullion, and United States mint certificates of ascertained value.

Bonds.

5. Bonds and other securities of the following classes:

U. S. bonds.

(a) Bonds or interest-bearing notes or obligations of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest, or those issued under the authority of the United States.

California
bonds.

(b) Bonds of the State of California, or those for which the faith and credit of the State of California are pledged for the payment of principal and interest, or those of any county, city and county, city or school district of this state:

Bonds of
other states.

(c) Bonds or stocks or notes of any state in the United States, other than the State of California, that has not, within twenty-five years previous to making such investment by such bank, defaulted in the payment of any part of either principal or interest, or those of any county, city and county, city or town, or school district, in any state in the United States other than the State of California, issued under authority of any law of such state, which county, city and county, city or town, or school district, had, as shown by the federal or state census next preceding such investment, a population of more than twenty thousand inhabitants; *provided, however*, that the entire bonded indebtedness of such county, city and county, city or town, or school district, including such issue of bonds or stocks or notes, does not exceed fifteen per centum of the value of the taxable property therein as shown by its last equalized assessment roll: *and provided, further*, that such

county, city and county, city or town, or school district, or the state in which it is located has not defaulted in payment of any part of either principal or interest due upon any legally authorized bond or stock or note issue within twenty-five years next preceding such investment;

(d) Bonds of any district organized under the laws of the State of California which are required to be and are investigated and approved by a commission now or hereafter authorized by a law of this state to conduct such investigation and give such approval and by authority of which approval said bonds are declared to be legal investments for savings banks;

District
bonds.

(e) Notes or bonds secured by mortgage or deed of trust, payment of which is guaranteed by a policy of mortgage insurance, and mortgage participation certificates, issued by a mortgage insurance company in accordance with the provisions of chapter eight of title two of part four of division first of the Civil Code;

Secured
notes or
bonds.

(f) Bonds legal for investments by savings banks in the State of New York or the State of Massachusetts.

N. Y. and
Mass.

6. Bonds and other securities of the following classes; *provided*, that such bonds or securities shall first have been certified by the superintendent of banks after an investigation as provided for under section sixty-one *a* of this act:

(a) Bonds or interest-bearing notes or obligations of any foreign country or government, or those for which the faith and credit of any foreign country are pledged for the payment of principal and interest;

Foreign
government
bonds.

(b) Bonds of any district organized under the laws of any state in the United States other than the State of California for the purpose of irrigating lands within such district, which are required to be and are investigated and approved by a commission now or hereafter authorized by a law of said state to conduct such investigation and give such approval; *provided*, that the entire indebtedness of such district, including the bonds under consideration, and all prior liens, within the meaning of section fifty-seven *a* of this act, do not exceed fifty per centum of the aggregate market value of the lands within said district, and of the irrigation system owned or to be acquired by said district with the proceeds of said bonds;

Irrigation
district
bonds of
other states.

(c) Bonds of any district organized under the laws of the State of California not otherwise provided for in this section:

District
bonds.

(d) (1) Bonds of any railroad corporation, as the same is defined in the "public utilities act," incorporated under the laws of any state in the United States and operating exclusively in the United States; *provided*, that said corporation shall have had net earnings for either its fiscal year or twelve consecutive months in the fourteen months next preceding application for certification of said bonds under the provisions of section sixty-one *a* of this act, amounting to at least one and one-half times the interest on all bonded indebtedness outstanding at the time of said certification, and on all additional bonds then proposed to be issued; or,

Railroad
bonds.

(2) Bonds of any railroad corporation, the payment of which is guaranteed, both as to principal and interest, by a railroad corporation whose bonds are a legal investment for savings banks in this state.

Other public utility bonds.

(c) (1) Bonds of any other public utility corporation, as the same is defined in the "public utilities act," incorporated under the laws of any state in the United States and operating exclusively in the United States; *provided*, that said corporation shall have had net earnings for either its fiscal year or twelve consecutive months in the fourteen months next preceding application for certification of said bonds under the provisions of section sixty-one *a* of this act, amounting to at least one and one-half times the interest on all bonded indebtedness outstanding at the time of said certification, and on all additional bonds then proposed to be issued; or.

(2) Bonds of any similar public utility corporation, the payment of which is guaranteed, both as to principal and interest, by a public utility corporation other than a railroad corporation, whose bonds are a legal investment for savings banks in this state.

Determining income.

In determining the income of any railroad or other public utility corporation mentioned herein, there shall be included the income of any corporation or corporations out of which it shall have been formed through consolidation or merger, and of any corporation the entire business and income-producing property of which the corporation issuing such bonds has wholly acquired.

Security for utility bonds.

All bonds issued by a railroad or other public utility corporation must be secured by a mortgage or deed of trust which at the time of said certification is: either

I. A closed first mortgage or deed of trust; or,

II. A first mortgage or deed of trust containing provisions restricting the issuance of further bonds until such time as the income of said corporation shall have been at least sufficient, during the twelve months next preceding the issuance of any additional bonds, to meet the earning requirements heretofore specified in either paragraph (d) or (e) of subdivision 6 of this section applicable to such corporation after including the additional bonds then proposed to be issued; or,

III. A refunding mortgage or deed of trust providing for the retirement of all prior lien mortgage debts of said corporation and restricting the issuance of further bonds until such time as the income of said corporation shall have been at least sufficient, during the twelve months next preceding the issuance of any additional bonds, to meet the earning requirements of such corporation after including the additional bonds then proposed to be issued; or,

IV. An underlying or divisional closed mortgage or deed of trust of property which forms a part of the operating system of the corporation then owning said property. In the case of bonds secured by an underlying or divisional closed mortgage or deed of trust, the net income required by this section shall be

based exclusively upon the income, maintenance charges, operating expenses, taxes and mortgage indebtedness of or against the property covered by such underlying or divisional closed mortgage or deed of trust or, if such income, maintenance charges or operating expenses can not be definitely ascertained, on the proper proportionate share of such property in the general income, maintenance charges, operating expenses and taxes of the corporation then owning such property and on the mortgage indebtedness of or against the property covered by such underlying or divisional closed mortgage or deed of trust.

(f) Notes or bonds secured by first mortgage or deed of trust or other first lien upon real estate, improved or unimproved; *provided*, that the entire note or bond issue shall not exceed sixty per centum of the market value of such real estate, or such real estate with improvements, taken as security; *and provided, further*, in case the said note or bond issue is created for a building loan on real estate, that at no time shall the entire outstanding note or bond issue exceed sixty per centum of the market value of the real estate and the actual cost of the improvements thereon taken as security; *and provided, also*, in case said real estate is located outside of this state, that the provisions of this paragraph shall be subject to the limitations and modifications contained in section fifty-seven *a* of this act; *and provided, also*, that no such notes or bonds shall be disqualified as investments for savings banks for the reason that the payment thereof is guaranteed by a policy of mortgage insurance.

In determining the market value of any real estate under the provisions of the preceding paragraph where such real estate, improved or unimproved, consists of oil or other mineral or timber land, the value represented by such oil or other mineral or timber shall not be included in fixing such market value. Nothing herein contained shall prevent savings banks from making loans secured by mortgage or deed of trust upon lands wherein redwood timber is included in fixing the market value thereof.

Any bank, however, may, without such certification by the superintendent of banks, purchase any note or bond or issue of notes or bonds provided for in said paragraph (f) of subdivision six of this section, whenever such purchase constitutes the entire amount of notes or bonds executed by the makers thereof and secured by the same real estate; *provided*, that no savings bank shall hold any such notes or bonds unless such holding constitutes the entire issue thereof at any time outstanding; *and provided, also*, that nothing in this paragraph shall be construed to permit savings banks to invest in notes or certificates evidencing participation in any mortgage on real estate unless by law specifically authorized, or in or on any form of obligation secured by any undivided interest in real estate designed to distribute the obligation so secured.

(g) Collateral trust bonds or notes when secured by either:

(1) Deposit of notes or bonds authorized for investment by this section of a market value at least fifteen per centum,

in excess of the par value of the collateral trust bonds or notes issued; or,

(2) Deposit of notes or bonds authorized for investment by this section and other securities of a combined market value at least twenty per centum in excess of the par value of the collateral trust bonds or notes issued; *provided*, that the par value of said collateral trust bonds or notes shall in no case exceed the market value of that portion of the security represented by notes or bonds authorized for investment by this section.

Railroad
equipment
trust
certificates

(h) Railroad equipment trust certificates or obligations issued or guaranteed by a corporation to which a loan or loans for the construction, acquisition, purchase or lease of railroad equipment has or have been made with the approval of the interstate commerce commission: *provided*, that the entire issue shall not exceed sixty per centum of the cost of such equipment and shall mature serially not later than fifteen years from date of issue; *provided, further*, that said certificates or obligations must be secured by or be evidence of a prior lien upon or reservation of title to such equipment, or by an assignment of or prior interest in the rent or purchase notes given for the hiring or purchasing of said equipment.

Acceptances:

(i) Acceptances issued by a discount, acceptance or investment corporation formed under the federal statute commonly known as the "Edge act" or under the "investment companies act" of New York, or by a corporation of identical character and capacity, organized under the laws of any state of the United States

The legality of investments heretofore lawfully made pursuant to the provisions of this section, or of any law of this state as it existed on and subsequent to July 1, 1909, shall not be affected by any amendments to this section or this act; nor shall any such amendments require the changing of investments once lawfully made under this act.

Book value
of bonds.

Any bonds authorized by this section as a legal investment for savings banks may be carried on the books of said bank at their investment value, based on their market value at the time they were originally bought, unless the superintendent of banks shall require any or all of the bonds which may thereafter have a market value less than the original investment value to be written down to such new market value which shall be done gradually if practicable and in such manner as he may determine or he may, by a plan of amortization to be determined by him, require such gradual extinction of premium as will bring such bonds to par at maturity.

Bonds of
railroad
operating
exclusively
in state
may be
purchased,
when

When it shall be necessary to prevent loss to any savings bank on an obligation owned or on a debt previously contracted in good faith, it may, with the previous written consent of the superintendent of banks, purchase or acquire bonds of any railroad corporation incorporated under the laws of the State of California and operated exclusively therein, notwithstanding such bonds do not conform to the requirements in

this section contained; *provided*, any bonds so purchased or acquired must be sold for the best price obtainable by any bank within five years after such purchase or acquisition.

No savings bank shall hereafter purchase or loan money upon any bond, note or other evidence of indebtedness, issued by any "public utility," subject to the jurisdiction, regulation or control of the railroad commission of this state under the provisions of the "public utilities act," approved December 23, 1911, and acts amendatory thereof or supplemental thereto, unless each such bond, note or other evidence of indebtedness was either:

Conditions of loans on utility bonds.

(a) Issued prior to the taking effect of the "public utilities act"; or,

(b) Issued under authority of the railroad commission in accordance with the provisions of said act; or,

(c) A note issued for a period not exceeding twelve months, in accordance with the provisions of subdivision (b) of section fifty-two of said act.

SEC. 10. Section sixty-two of said act approved March 1, 1909, as amended, is hereby amended to read as follows:

Stats. 1910, p. 641, amended.

Sec. 62. No savings bank shall, directly or indirectly, deal or trade in real or personal property in any other case or for any other purpose than is authorized by this act, and shall not contract any debt or liability for any purpose whatever other than for deposits, except as in this section provided.

Savings banks not to trade in real property

Savings banks may pay regular depositors, when requested by them, by draft upon deposits to their credit with their banks, and charge current rate of exchange for such drafts.

Drafts.

No savings bank shall borrow money, or pledge or hypothecate any of its securities, except to meet the immediate demands of its own depositors, and then only in pursuance of a resolution adopted by a vote of a majority of its board of directors, duly entered upon their minutes, wherein shall be recorded the ayes and nays upon each vote; also with the written approval of the superintendent of banks, and he shall have the authority to fix the amount to be borrowed, the amount and character of the securities to be pledged or hypothecated, and the term and rate of interest thereon; *provided*, that any savings bank may, for the purpose of performing its functions and transacting its business as authorized by this act, rediscount, with or without guarantee or endorsement, with the federal reserve bank, its acceptances, notes or any other securities, available for rediscount with a federal reserve bank, in any amount up to but not exceeding its capital and surplus or reserve without consent of the superintendent of banks, and shall not be considered as borrowed money within the meaning of this section; *provided, also*, that savings banks may, in the manner authorized by law, and without the previous approval of the superintendent of banks, borrow the moneys of the United States, State of California, the counties, cities and counties, and cities and towns, of said State of California and of any other governmental or political subdivision of the State of Cali-

Borrowing money, procedure.

Borrow public money without approval.

foria, the funds of which are required by law to be secured if deposited in banks, and receive such moneys on deposit; *provided, also*, that savings banks may, in the manner authorized by law, and without the previous approval of the superintendent of banks, borrow postal savings moneys of the United States, and receive such postal savings moneys on deposit: *and provided, further*, savings banks may borrow any amount, in addition to the amounts authorized to be borrowed in this section, for the purpose of buying from the United States, United States bonds, United States treasury certificates, or notes or obligations of the United States, but only in pursuance of a resolution of a majority of its board of directors, duly entered upon their minutes, and without the previous approval of the superintendent of banks, but the fact of such transaction shall forthwith be reported in writing to the superintendent of banks. No excess loan made to any savings bank with or without pledge of assets shall be invalid or illegal as to the lender.

Stats 1921.,
p. 1393,
amended.
No loans
to director
or officer.

SEC. 11. Section sixty-five of said act approved March 1, 1909, as amended, is hereby amended, to read as follows:

Sec. 65. No loan shall be made, for himself or as agent or partner of another, directly or indirectly, to any director or officer of any savings bank by such bank, or on the endorsement, surety or guaranty of any such officer or director, except that loans may be made to any corporation in which any director or officer of such savings bank may own or hold a minority number of shares of stock, upon authorization of or confirmation within thirty days after making such loan, by a majority of all the directors of such bank and the affirmative vote of all directors of such bank present at the meeting authorizing or confirming such loan; *provided, however*, that such loan shall in all other respects conform to and comply with all other provisions of this act. Such interested director or officer shall not vote or participate in any manner in the action of the board on such loan; *provided, also*, that by and with the consent of the superintendent of banks previously obtained in writing, all directors may vote upon such a loan made by one bank to another bank where the entire capital stock of one is owned by or held in trust for the stockholders of the other bank and where all or a majority of the board of directors of each of said banks is composed of the same persons. Such authorization or confirmation shall be entered upon the records or minutes of such savings bank. The fact of making such loan, the names of the directors authorizing or confirming such loan, the corporate name of the borrower, the name of each director or officer of such bank who is a member, stockholder, officer or director of the corporation, to which such loan is made, the amount of stock held by him in such borrowing corporations, the amount of such loan, the rate of interest thereon, the time when the loan will become due, the amount, character and value of security given therefor and the fact of final payment, when made, shall be

Loans to
another bank
owned by
stockholders

forthwith reported in writing by the cashier or secretary of such savings bank to the superintendent of banks; *provided*, that any loan made to any corporation of which any director, officer, agent or employee of such savings bank owns not more than five per centum of the paid-in capital of such borrowing corporation nor any loan made to any corporation of which any two or more directors, officers, agents, or employees of such savings bank own not more than twenty per centum of the paid-in capital of such borrowing corporation, shall not be reported to the superintendent of banks. No loan may be made to any corporation a majority of the stock of which is owned or controlled by any one or more of the directors or officers, or officers and directors, of such savings bank collectively, except with the previous consent of the superintendent of banks.

A loan may be made to any agent, employee or a member of the advisory board other than an officer or director, of any savings bank by such bank upon authorization or confirmation of a majority of all the directors of such savings bank and an affirmative vote of all directors of such savings bank present at the meeting authorizing or confirming such loan; *provided, however*, that such loan shall in all respects conform to and comply with all other provisions of this act. Such authorization or confirmation shall be entered upon the records or minutes of such savings bank. The fact of making such loan, the names of the directors authorizing such loan, the name of the borrower, the nature of his employment, the amount of such loan, the rate of interest thereon, the time when the loan will become due, the amount, character and value of the security given therefor, and the fact of final payment, when made, shall be forthwith reported in writing by the cashier or secretary of such savings bank to the superintendent of banks; *provided*, that any loan made to any corporation of which any director, officer, agent or employee of such savings bank owns not more than five per cent of the paid-in capital of such borrowing corporation nor any loan made to any corporation of which any two or more directors, officers, agents or employees of such savings bank own not more than twenty per cent of the paid-in capital of such borrowing corporation, shall not be reported to the superintendent of banks. Any officer or director of any savings bank who knowingly procures a loan from such savings bank contrary to the provisions of this section shall be guilty of a felony. In case of the neglect or failure of the secretary or cashier of any such bank to report to the superintendent of banks, as herein provided, any of the facts so required to be reported, or in case of the neglect or failure of the secretary or cashier of any such bank to report to the superintendent of banks any loan made contrary to the provisions of this section, the bank shall be liable therefor and shall forfeit to the people of the State of California twenty-five dollars per day for each day, or part thereof, during which such neglect or failure continues.

Loans to agents and employees.

Felony.

Penalty.

Loans to religious corporations, clubs, etc.

This section shall not apply to any loan made to a religious corporation, club, or other membership corporation of which one or more directors, officers, agents or employees of such savings bank may be members or officers, but in which they have no financial interest.

Loans secured by U. S. bonds or notes.

Loans may be made to any director, other than an officer, directly or indirectly, or to any agent or employee of a savings bank on the security of United States bonds, United States treasury certificates, or interest-bearing notes, or obligations of the United States, or those for which the faith and credit of the United States are pledged for repayment of principal or interest, or those issued under authority of the United States, notwithstanding anything in this section contained, and such loans may be made in the usual manner of making loans in which no director of such bank is interested.

Stats. 1919, p. 648, amended.

SEC. 12. Section seventy of said act approved March 1, 1909, as amended, is hereby amended to read as follows:

Power to receive Liberty bonds.

SEC. 70. Every savings bank shall have power to receive liberty bonds or other bonds issued by the United States government, for safekeeping, collection or storage, and shall receipt therefor to the depositor and shall keep and maintain adequate records of all transactions therewith. In every case of such deposit the depository bank shall have the right to return to the depositor either the identical bonds deposited by him or other bonds of the same issue, par value and character.

Stats. 1921, p. 1400, amended.

SEC. 13. Section eighty of said act approved March 1, 1909, as amended, is hereby amended to read as follows:

Loans of commercial banks.

SEC. 80. No commercial bank shall make any loans, directly or indirectly, to any person, firm, copartnership or corporation, in an amount which, including therein any extension of credit to such person, firm, copartnership or corporation, by means of letters of credit, or by acceptance of drafts for, or the discount or purchase of the notes, bills of exchange or other obligations of, such person, firm, copartnership or corporation, shall exceed the following percentage of its capital and surplus:

Without security.

1. Ten per centum without security, except where such capital stock and surplus is not more than twenty-five thousand dollars, in which event an amount not to exceed twenty per centum of such capital stock and surplus may be loaned without security, and where such capital stock and surplus is greater than twenty-five thousand dollars and does not exceed fifty thousand dollars, a sum not exceeding five thousand dollars may be loaned without security. Nothing herein shall prohibit any commercial bank from taking or receiving any kind, character or amount of security whatsoever, either real or personal, for the protection of any loan made under the provisions of this subdivision, but no such loan or any part thereof shall be considered or construed as a secured loan unless the whole thereof is loaned upon security worth at least fifteen per centum more than the amount of such loan; or,

2. Fifteen per centum, in addition to the amount that may be loaned under the provisions of subdivision one of this section, upon security worth at least fifteen per centum more than the amount of such loan so secured; *provided*, the total amount which can be loaned under subdivisions one and two hereof can not exceed twenty-five per centum in all; *provided, however*, that a separate note or notes shall be taken for the unsecured loans and a separate note or notes shall be taken for the secured loans, and the secured and unsecured loans shall not be combined in any way within one note, or notes; or,

With
security.

3. Twenty-five per centum upon security worth at least fifteen per centum more than the amount of its loans so secured; or,

4. Forty per centum, provided such loans are upon commercial or business paper actually owned by the person negotiating the same to such bank, and are endorsed by such person without limitation; *provided, however*, that in addition to the amounts permitted to be loaned by subdivisions one, two or three of this section, an amount may be loaned on the securities fixed by subdivision four of this section, which taken with the amounts so permitted by said subdivisions one, two or three will not exceed forty per centum; *provided, also*, that the restrictions under this section shall not apply to bills of exchange or drafts, with bills of lading attached, drawn in good faith against actual existing values.

Restrictions
not applica-
ble to bills
of exchange.

Any commercial bank may accept drafts or bills of exchange drawn upon it having not more than six months' sight to run, exclusive of days of grace, which grow out of transactions involving the importation or exportation of goods; or which grow out of transactions involving the domestic shipment of goods provided shipping documents conveying or securing title are attached at the time of acceptance; or which are secured at the time of acceptance by a warehouse receipt or other such document conveying or securing title covering readily marketable staples. No commercial bank shall accept, whether in a foreign or domestic transaction, for any one person, company, firm, or corporation to an amount equal at any time in the aggregate to more than ten per centum of its paid-up and unimpaired capital and surplus, unless the bank is secured either by attached documents or by some other actual security growing out of the same transaction as the acceptance; and no commercial bank shall accept such bills to an amount equal at any time in the aggregate to more than one-half of its paid-up and unimpaired capital and surplus; *provided, however*, that the superintendent of banks, under such general regulations as he may prescribe, which shall apply to all commercial banks alike regardless of the amount of capital and surplus, may authorize any commercial bank to accept such bills to an amount not exceeding at any time in the aggregate one hundred per centum of its paid-up and unimpaired capital and surplus.

Drafts or
bills of
exchange
accompanied
by shipping
documents.

Any commercial bank may accept drafts or bills of exchange drawn upon it having not more than three months' sight to run, exclusive of days of grace, drawn under regulations to be

Foreign
drafts and
bills of
exchange.

prescribed by the superintendent of banks by banks or bankers in foreign countries or dependencies or insular possessions of the United States for the purpose of furnishing dollar exchange as required by the usages of trade in the respective countries, dependencies, or insular possessions; *provided, however*, that no commercial bank shall accept such drafts or bills of exchange referred to in this paragraph for any one bank to any amount exceeding in the aggregate ten per centum of the paid-up and unimpaired capital and surplus of the accepting bank unless the draft or bill of exchange is accompanied by documents conveying or securing title or by some other adequate security; *provided, further*, that no commercial bank shall accept such drafts or bills in an amount exceeding at any time the aggregate of one-half of its paid-up and unimpaired capital and surplus.

Restrictions not applicable to liberty bonds.

None of the limitations or restrictions contained in the previous subdivisions of this section shall apply to loans, discounts or other extensions of credit secured by liberty bonds or by other bonds or securities issued by the United States government, if the market value of such liberty bonds or other securities exceeds by ten per centum the amount of any such loan, discount or other extension of credit.

Loans which are made upon security available for loans in a savings bank may be made in a commercial bank upon the same margin of security as is permitted to savings banks anything in this section to the contrary notwithstanding, and all such loans shall be deemed to be secured loans within the meaning of this section.

Computing liabilities to commercial banks

In computing the total liabilities of any person to a commercial bank there shall be included all liabilities to the bank of any copartnership or unincorporated association of which he is a member, and any loans made for his benefit or for the benefit of such copartnership or unincorporated association; of any firm, copartnership or unincorporated association to a commercial bank there shall be included all liabilities of its individual members and all loans made for the benefit of such copartnership or unincorporated association or any member thereof; and of any corporation to a commercial bank there shall be included all loans made for the benefit of the corporation.

Stats. 1919, p. 657, amended.

Sec. 14. Section one hundred twenty-three of said act approved March 1, 1909, as amended, is hereby amended to read as follows:

State banking fund created.

Sec. 123. A fund is hereby created to be known as the state banking fund, and out of said fund shall be paid all the expenses incurred in and about the conduct of the business of the banking department, including the salary of the superintendent, chief deputy, attorney, examiners and other assistants, traveling expenses, furnishing of rooms and rent. Each bank shall pay annually a sum not to exceed one one-hundredth of one per centum of its total capital, surplus, reserve and contingent funds, undivided profits, and deposits but not including secured deposits of public moneys, as shown by the

Each bank to contribute to fund

last report of such bank to the superintendent of banks; *provided*, that the superintendent of banks may, in any fiscal year and in the exercise of his discretion, collect from each bank a less sum to be determined by the proportion established in this section, if such less sum be sufficient to pay all the expenses incurred in and about the conduct of the business of the banking department, including the salary of the superintendent, chief deputy, attorney, examiners and other assistants, traveling expenses, furnishing of rooms and rent. All moneys collected or received by the superintendent of banks, under and by virtue of the provisions of this act, shall be by him delivered to the treasurer of the state, who shall deposit the same to the credit of said banking fund, and the unexpended balance of all moneys heretofore paid into the state treasury by any of the bank commissioners or the superintendent of banks, shall be retained and become a part of said fund; *provided, however*, that the superintendent shall have authority to retain in his possession and under his control the sum of two thousand dollars to be used by him as a revolving fund for the benefit of the state banking department until the end of the fiscal year at which time he shall make full settlement with the treasurer of the state. If any such bank shall fail to pay such charges as are herein required, the superintendent shall forthwith cancel the certificate of said bank.

Deposited
with state
treasurer.

Revolving
fund.

SEC. 15. Section one hundred thirty-nine of said act approved March 1, 1909, as amended, is hereby amended to read as follows:

Stats. 1921,
p. 1411;
amended.

Sec. 139: It shall be the duty of the board of directors of every bank to examine fully, or to cause a committee of at least three of its members, none of whom shall be an officer of the bank, to examine fully into the books, papers and affairs of the bank of which they are directors, and particularly into the loans and discounts thereof, with a special view to ascertaining the value and security thereof, and of the collateral security, if any given, in connection therewith, and into such other matters as the superintendent of banks may require; such examination to be made at least once a year, but no such subsequent yearly examinations shall be made within three months of the next preceding examination. Such directors shall have power to employ such assistance in making such examinations as they may deem necessary. Within thirty days after the completion of such examination, a report in writing thereof, sworn to by the directors making the same, shall be made by the board of directors of such bank, and placed on file with the records of said bank, and shall be subject to examination by the superintendent of banks.

Examination
by board
of directors.

Such report shall particularly contain a statement of the assets and liabilities of the bank examined, as shown by its books, together with any deductions from the assets, or additions to liabilities, which such directors or committee, after such examination, may determine to make. It shall also contain a statement, in detail, of loans, if any, which in their opinion are worthless or doubtful, together with their reasons

Report.

for so regarding them; also a statement of loans made on collateral security, which in their opinion are insufficiently secured, giving in each case the amount of the loan, the name and market value of the collateral, if it has any market value, and if not, a statement of that fact, and its actual value as nearly as possible. Such report shall also contain a statement of overdrafts, of the names and amounts of such as they consider worthless or doubtful, and a full statement of such other matters as affect the solvency and soundness of the bank.

Failure to
make exami-
nation.

If the directors of such bank shall fail to make such examination or fail to cause it to be made, or shall fail to file such report of such examination in the manner and within the time specified, the superintendent of banks shall have authority to make or cause to be made an extra examination of such bank, at the expense of such bank.

Special ex-
amination.

Whenever the board of directors of any bank may determine by resolution, duly entered in its minutes, that a special examination shall be made or caused to be made by the superintendent of banks in lieu of the examination herein required to be made by the board of directors of such bank, a certified copy of such resolution shall be transmitted to the superintendent of banks, whereupon it shall be the duty of the superintendent of banks to make or cause to be made a special examination of the affairs of such bank in lieu of the examination of such bank by the board of directors thereof. Such special examination shall be made at such time as the superintendent of banks may determine but in any event such examination shall be made within sixty days after the receipt by the superintendent of banks of the resolution hereinbefore referred to. The cost of making such examination shall be a charge against the bank for which such examination is made.

Upon the completion of such examination the superintendent of banks shall cause a report thereof in writing to be prepared and delivered to the board of directors of such bank at such time as may be fixed by the superintendent of banks, but not later than thirty days after the completion of such examination.

Other
acceptable
examina-
tions.

The superintendent of banks may accept in lieu of the directors' examination herein provided for any year any examination, made, during such year, by the Federal Reserve Bank of San Francisco, of any bank which is a member of the Federal Reserve Bank of San Francisco or by a clearing house association of which the examined bank is a member.

CHAPTER 36.

An act to add a new section to the Code of Civil Procedure, to be numbered five hundred sixty-one, relating to attachment of personal property pending administration.

[Approved April 24, 1923.]

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

SECTION 1. A new section is hereby added to the Code of Civil Procedure to be numbered five hundred sixty-one and to read as follows:

561. The interest of a defendant in personal property belonging to the estate of a decedent, whether as heir, legatee or devisee, may be attached by serving the personal representative of the decedent with a copy of the writ and a notice that said interest is attached. Such attachment shall not impair the powers of the representative over the property for the purposes of administration. A copy of said writ of attachment and of said notice shall also be filed in the office of the clerk of the court in which said estate is being administered and the personal representative shall report such attachment to the court when any petition for distribution is filed, and in the decree made upon such petition distribution shall be ordered to such heir, legatee or devisee, but delivery of such property shall be ordered to the officer making the levy subject to the claim of such heir, legatee or devisee, or any person claiming under him. The property shall not be delivered to the officer making the levy until the decree distributing such interest has become final.

Attachment of interest of defendant in estate of decedent.

CHAPTER 37.

An act to amend section one thousand two hundred seventy-two a of the Code of Civil Procedure, relating to the recovery of property received by or deposited with the state treasurer.

[Approved April 24, 1923.]

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

SECTION 1. Section one thousand two hundred seventy-two a of the Code of Civil Procedure is hereby amended to read as follows:

1272a. When the estate, or any portion thereof, of any decedent has been received by or deposited with the state treasurer pursuant to section one thousand seven hundred thirty-seven of this code, the superior court of the county of Sacramento, State of California, shall have full and exclusive jurisdiction to determine the title to said property and all claims thereto, and any person entitled to succeed to said property, and not a party or privy to any proceedings had under any of the foregoing sections of this title, may, unless otherwise barred, file a petition in the superior court of the

Petition showing claim to estate deposited with state treasurer.

county of Sacramento showing his claim or right to the said property, or the proceeds thereof, or to any portion thereof. Said petition shall be verified, and, among other things, must state the facts required to be stated in a petition filed under section one thousand two hundred seventy-two of this code, and upon the filing thereof the same proceedings shall be had as are therein required.

Claim for
less than
\$300.

Whenever the amount claimed by any such person is less than three hundred dollars any such claimant, may, in lieu of filing such petition, present his claim to the state board of control, showing the same facts required to be stated in such petition and said board may, upon recommendation of the attorney general, allow and order paid such claim. When payment has been made under this title to any claimant no suit shall thereafter be maintained by any other claimant against the state, or any officer thereof, for or on account of such property.

CHAPTER 38.

An act to amend section one thousand two hundred two a of the Penal Code, relating to persons sentenced to state penitentiaries.

[Approved April 25, 1923.]

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

SECTION 1. Section one thousand two hundred two a of the Penal Code is hereby amended to read as follows:

Imprison-
ment in
state prison.

1202a. If the judgment is for imprisonment in the state prison it shall direct that the defendant be taken to the warden of the state prison at San Quentin; *provided, however,* that if the defendant shall have previously been convicted of a felony, or if the court in the exercise of its discretion shall deem it a proper case so to do, it shall direct that the defendant be taken to the warden of the state prison at Folsom. Thereafter, and until the termination of the sentence, the state board of prison directors may transfer the defendant from one state prison to the other as in the opinion of the board conditions may require.

CHAPTER 39.

An act to add a new section to the Code of Civil Procedure, to be numbered two thousand thirty-six a, relating to foreign depositions.

[Approved April 26, 1923.]

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

SECTION 1. A new section is hereby added to the Code of Civil Procedure to be numbered two thousand thirty-six a, and to read as follows:

2036a. Whenever any mandate, writ or commission is issued out of any court of record in any other state, territory, district or foreign jurisdiction, or whenever, upon notice or agreement, it is required to take the testimony of a witness or witnesses in this state, witnesses may be compelled to appear and testify in the same manner and by the same process and proceeding as may be employed for the purpose of taking testimony in proceedings pending in this state.

Compelling witnesses to appear and testify.

CHAPTER 40.

An act authorizing the regents of the University of California to collect and import parasitic and predaceous insects from foreign countries and providing for the employment of collectors and the payment of their subsistence, traveling and other expenses.

[Approved April 26, 1923.]

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

SECTION 1. The regents of the University of California are hereby authorized to collect and import into this state from foreign countries, parasitic and predaceous insects for use in the control of insect pests of horticultural and agricultural crops and of live stock and for this purpose may employ and send abroad experts who shall be allowed, in addition to their compensation, their necessary subsistence, traveling and other expenses incidental to the performance of their duties.

University may import insects.

May employ experts.

An act entitled "An act providing for the collection and importation of parasitic and predaceous insects from foreign countries and authorizing the employment of collectors and the payment of their subsistence and traveling expenses," approved June 3, 1921; statutes of 1921, chapter 676, page 1151, is hereby repealed.

Stats. 1921, p. 1151, repealed.

CHAPTER 41.

An act confirming, ratifying and declaring valid the formation and organization of reclamation district number two thousand fifty-six and also all the acts and proceedings of said district.

[Approved April 26, 1923.]

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

SECTION 1. The formation and organization of reclamation district number two thousand fifty-six in the counties of Butte and Sutter, State of California, by the board of supervisors of the county of Sutter, State of California, the exterior boundaries of which district are as follows, to wit:

Validation of reclamation district No. 2056 in Butte and Sutter counties.

Beginning at the section corner to sections twenty-three, twenty-four, twenty-five and twenty-six of township seven-

Validation of
reclamation
district
No. 2056
in Butte
and Sutter
counties.

teen north, range two east, Mount Diablo base and meridian, said point of beginning being on the line between Butte and Sutter counties, run thence northerly along the line between said sections twenty-three and twenty-four to the southeast corner of section fourteen of said township and range; thence westerly along the south line of said section fourteen, six hundred sixty feet; thence northerly parallel to and six hundred sixty feet distant from the east line of said section fourteen to the line dividing said section fourteen into north and south halves; thence easterly along said last named line six hundred sixty feet to said east line of section fourteen; thence northerly along said east line of section fourteen to the southeast corner of section eleven of said township and range; thence westerly along the south line of said section eleven one-half mile, more or less, to the southwest corner of lot twenty-nine of Gridley Colony number seven, said point being at the quarter section corner between said sections eleven and fourteen; thence northerly one-quarter mile, more or less, to the southeast corner of lot forty-nine of Gridley Colony number nine as said colony is laid down and delineated upon a plat of the same of record in map book six, page fifty-eight, Butte county records; thence westerly along the south line of said lot forty-nine and along the south line of lot forty-eight; of said Gridley Colony number nine to the southwest corner of said lot forty-eight; thence northerly along and following the center line of that certain irrigation canal known as "Lateral No. 4" through lots forty-seven, forty-six, thirty-nine, thirty-six, thirty-one, and twenty-seven, of said Gridley Colony No. 9 to a point near the northeast corner of said lot twenty-seven; thence northeasterly through lot twenty-one of said Gridley Colony No. 9 and following said center line of Lateral No. 4 to a point near the northeast corner of said lot twenty-one; thence easterly following said center line of Lateral No. 4 along the north line of lots twenty-two and twenty-three of said Gridley Colony No. 9 to the northeast corner of said lot twenty-three; thence northerly following said center line of Lateral No. 4 along the west line of lots twenty-four and nine of Gridley Colony No. 4 as said colony is laid down and delineated upon a plat of the same of record in map book six, page eight, Butte county records, to a point on said west line of lot nine, two hundred ninety-eight feet north of the southwest corner of said lot nine; thence northeasterly following said center line of Lateral No. 4 through said lot nine to a point near the northeast corner of said lot nine; thence following the said center line of Lateral No. 4 easterly along the south line of lots seven, six, five, four, three, two and one of said Gridley Colony No. 4 to a point at the southeast corner of said lot one; thence northeasterly following the center line of said Lateral No. 4 through the east half of section one of said township seventeen north, range two east, Mount Diablo base and meridian, to the intersection of said center line of Lateral No. 4 with the east line of said section one; thence

northerly along said east line of section one to the northeast corner of said section one; thence easterly along that certain county road leading from Gridley to East Gridley station on the Sacramento Northern railroad to the northeast corner of lot seven of Gridley Colony No. 6; thence southerly along the east line of said lot seven to the southeast corner of said lot seven; thence southerly in a direct line across lots eight, ten, twenty, and twenty-two to a point on the south line of said lot twenty-two, three hundred feet east of the southwest corner of said lot twenty-two; thence southerly along the east line of lot thirty-one of said Gridley Colony No. 6 to the southeast corner of said lot thirty-one; thence easterly along the north line of lot forty of said Gridley Colony No. 6, one hundred seventeen feet; thence southerly in a direct line through lots forty, forty-five and forty-eight of said Gridley Colony No. 6 to a point on the south line of said lot forty-eight, four hundred forty-five feet east of the southwest corner of said lot forty-eight, said last named point being in the center of that certain county road known as Sheldon avenue; thence westerly along said Sheldon avenue to the said east line of section one; thence southerly along said east line of section one and the east line of said section twelve of said township and range, to the intersection of said east line of section twelve with the center line of the Southern Pacific railway; thence southeasterly along said center line of the Southern Pacific railway, two and one-half miles, more or less, to the intersection of said center line of the railway with the line dividing section nineteen of township seventeen north, range three east, Mount Diablo base and meridian, into north and south halves; thence westerly along said line dividing section nineteen into north and south halves to the east line of the west half of said section nineteen; thence southerly along the said east line of the west half of section nineteen and the east line of the west halves of sections thirty and thirty-one of said township and range to the quarter section corner between said section thirty-one and section six of township sixteen north, range three east, Mount Diablo base and meridian; thence southerly along the east line of the northwest quarter of said section six to the southeast corner of said northwest quarter of section six; thence westerly along the south line of the northwest quarter of section six to the northwest corner of the northeast quarter of the southwest quarter of section six; thence southerly along the west line of said northeast quarter of the southwest quarter of section six to the southwest corner of said northeast quarter of the southwest quarter of section six; thence westerly along the north line of the southwest quarter of said southwest quarter of section six to the west line of said section six; thence southerly along said west line of section six and along the west line of section seven of said township sixteen north, range three east, Mount Diablo base and meridian, to the northeast corner of the southeast quarter of the northeast quarter of section twelve of township sixteen north, range two east, Mount Diablo

Validation of
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and Sutter
counties.

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counties.

base and meridian; thence westerly along the north line of said southeast quarter of the northeast quarter of section twelve to the line dividing the east half of section twelve into east and west halves; thence southerly along said last named line and along the line dividing the east halves of sections thirteen and twenty-four of said last named township and range into east and west halves to the southwest corner of the southeast quarter of the southeast quarter of section twenty-four; thence westerly along the south line of said section twenty-four to a point on said south line nine hundred ninety feet west of the quarter section corner between said section twenty-four and section twenty-five of said last named township and range; thence southerly parallel to and nine hundred ninety feet distant from the half section line through said section twenty-five to a point on the south line of said section twenty-five, nine hundred ninety feet west of the quarter section corner on said south line of section twenty-five; thence easterly along said south line of section twenty-five to said quarter section corner on the south line of said section twenty-five; thence southerly along the north and south half section line of section thirty-six of said last named township and range to the southeast corner of the southwest quarter of said section thirty-six; thence westerly along the third standard parallel north to the quarter section corner on the north line of section one of township fifteen north, range two east, Mount Diablo base and meridian; thence southerly along the line dividing said section one into east and west halves to the center line of that certain county road running along the south line of lots three and four of said section one; thence westerly along said center line of said county road to the center line of the channel of Snake river; thence northerly along the said center line of the channel of Snake river to a point in that center line of said channel of Snake river one thousand feet north of the south line of section twenty-six of said township sixteen north, range two east, Mount Diablo base and meridian; thence in a direct line to the southeast corner of the southwest quarter of the southeast quarter of section twenty-three of said last named township and range; thence along the line dividing the east half of said section twenty-three and the east half of section fourteen of said township and range into east and west halves to the southwest corner of the northeast quarter of the northeast quarter of said section fourteen; thence easterly to the southeast corner of the said northeast quarter of the northeast quarter of section fourteen; thence northerly along section lines to the quarter section corner between sections eleven and twelve of said township and range; thence easterly along the line dividing said section twelve into north and south halves nine hundred feet, more or less, to the intersection of said last named line with the center line of that certain county road known as the "Doc Evans road"; thence northwesterly along said center line of the last named county road to the east line of section two of

said township and range; thence northerly along the said east line of section two to the intersection of said last named east line with the center line of a certain irrigation canal, said point of intersection being seven hundred forty-two feet, more or less, south of the quarter section corner on the east line of said section two; thence north eighty-four degrees thirty minutes east along the center line of said canal three hundred ninety feet; thence south forty-eight degrees forty-three minutes east along the center line of said canal three hundred three feet; thence south seventy-three degrees thirty-seven minutes east, along the center line of said canal seven hundred twenty-one feet to a point on the line dividing the southwest quarter of section one of said township and range into east and west halves, said last named point being one thousand one hundred sixty-eight feet, more or less, south of the north line of said southwest quarter of section one; thence northerly along that certain irrigation canal running along the line dividing the northwest quarter of said section one into east and west halves, to a point at the northeast corner of lot five of Live Oak Colony No. 4; thence westerly following the center line of said last named canal to a point at the southwest corner of lot four of said Live Oak Colony No. 4; thence northerly following the center line of said last named canal to the southeast corner of lot seven of Live Oak Colony No. 9; thence westerly following the center line of said canal to the southwest corner of said lot seven; thence northerly following the center line of said last named canal to a point on the east line of lot five of said Live Oak Colony No. 9; said point being four hundred fourteen feet north of the southeast corner of said lot five; thence north eighty-seven degrees fifty-nine minutes west along the center line of said last named canal, six hundred twenty-nine feet; thence north two degrees forty-nine minutes east along the center line of said last named canal one hundred fifty-four feet; thence north twenty-seven degrees fifty-six minutes east along the center line of said last named canal, five hundred eighty feet; thence north thirty-four minutes west along the center line of said last named canal, seven hundred ninety-eight feet; thence north sixteen degrees two minutes east along the center line of said last named canal one hundred thirty-one feet; thence north thirty-one degrees forty-six minutes east along the center line of said last named canal three hundred fifty-eight feet; thence north one degree east along the center line of said last named canal two hundred ninety feet to a point on the north line of lot two of said Live Oak Colony No. 9, said point being one hundred twenty-six feet west of the northeast corner of said lot two; thence easterly along said north line of lot two and along the north line of lot one of Live Oak Colony No. 9 to the east line of said section twenty-six of township seventeen north, range two east, Mount Diablo base and meridian and thence northerly along the last named line to the point of beginning, together with all the acts and proceedings of said district are hereby approved, confirmed, ratified, legalized and declared valid.

Validation of
reclamation
district
No. 2056
in Butte
and Sutter
counties.

CHAPTER 42.

An act to amend sections seventy-three and one hundred forty-two of the Code of Civil Procedure, relating to superior courts.

[Approved April 26, 1923.]

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

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

Sessions of
superior
courts.

73. The superior courts shall be always open (legal holidays and non-judicial days excepted), and they shall hold their sessions at the county seats of the several counties, or cities and counties, except as otherwise provided by section one hundred forty-two of this code. They shall hold regular sessions, commencing on the first Mondays of January, April, July, and October, and special sessions at such other times as may be prescribed by the judge or judges thereof; *provided*, that in the city and county of San Francisco the presiding judge shall prescribe the times of holding such special sessions; *provided, also*, that in counties of the first class, a session of the superior court shall be held at each city in said county containing a population of not less than fifty thousand as ascertained by the last preceding census taken under the authority of the congress of the United States, or the legislature of the State of California, wherein the city hall of said city is not less than fifteen miles distant from the site of the county courthouse; and a majority of the judges of the superior court of said county, may, by an order filed with the county clerk, and published as they may prescribe, provide for, and direct the holding of, additional sessions in each of said cities, when they deem such additional sessions necessary or convenient.

SEC. 2. Section one hundred forty-two of the said code is hereby amended to read as follows:

Changes in
place of
holding
court.

142. The judge or judges authorized to hold or preside at a court appointed to be held in a particular place in a city and county, county, city or town, may, by an order filed with the city and county, or county clerk, and published as he or they may prescribe, direct that the court be held or continued at any other place in the city and county, county, city or town than that appointed, when war, insurrection, pestilence, or other public calamity, or the danger thereof, or the destruction or danger of the building appointed for holding the court may render it necessary; and may in the same manner revoke the order, and in his or their discretion, appoint another place in the same city and county, county, city, or town, for holding the court; and may also, in the same manner in his or their discretion, whenever such judge or judges deem it necessary or advisable, direct that the court be held or continued at any other place in the city and county, county, city or town not less than one hundred twenty miles distant from the county seat; *provided, further*, that in counties of the first class at least

one session of the superior court shall be held in each city of said county containing a population of not less than fifty thousand as ascertained by the last preceding census taken under the authority of the congress of the United States, or the legislature of the State of California, wherein the city hall of said city is not less than fifteen miles distant from the site of the county courthouse.

Sec. 3. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes, nor to increase or decrease the compensation paid to or received by any such person under the provisions of such statute, except as otherwise herein expressly provided.

CHAPTER 43.

An act to amend section four thousand two hundred eighteen of the Political Code relating to the making of maps and assessment block books.

[Approved April 26, 1923.]

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

SECTION 1. Section four thousand two hundred eighteen of the Political Code is hereby amended to read as follows:

4218. The surveyor shall copy, plat, or trace all maps filed for record in the office of the recorder of the county for which he shall be elected, and shall be ex officio deputy recorder, when, for said county for such purposes, at the cost of the party filing the same for record; *provided, however,* that all maps or plats filed by a licensed land surveyor, and such other maps and plats as are filed and are thereby made a record, are exempt from the provisions of this section. The surveyor shall plat, trace, blue print or otherwise make all county, township, road, district, and all other maps, and all assessors' block books, for the county of which he is surveyor; *provided,* that when the office of the assessor has not been provided with such maps and block books, or when the maps or block books in the office of the assessor are insufficient or defective and the surveyor neglects or refuses to make the same, or when the facilities of the surveyor's office are inadequate to do so the board of supervisors may provide for the making of said maps and block books by contract with other competent person or persons for the making or purchase thereof and may provide for the payment therefor from the funds of the county. All such maps which are platted, traced, blue printed or otherwise made, as aforesaid, together with all data obtained by the surveyor from other sources, shall thereafter become the property of the county.

Surveyor
ex officio
deputy re-
corder, when.

Assessors'
block books.

CHAPTER 44.

An act to add a new section to an act entitled "An act to provide for the payment of retirement salaries to public school teachers of this state; creating a public school teachers' retirement salary fund, and also a public school teachers' permanent fund, providing for the administration of such funds, and making an appropriation for the use of said fund," approved June 16, 1913, as amended, to be numbered sixteen a.

[Approved April 26, 1923.]

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

SECTION 1. A new section to be numbered section sixteen a is hereby added to "An act to provide for the payment of retirement salaries to public school teachers of this state; creating a public school teachers' retirement salary fund, and also a public school teachers' permanent fund, providing for the administration of such funds, and making an appropriation for the use of said funds," approved June 16, 1913, as amended, to read as follows:

Service with
teachers
college
training
schools or
university.

Sec. 16a. Service of a full time teacher of elementary or secondary school pupils in a training school connected with a teachers college in California or with the University of California or any branch thereof or service as a supervisor of practice teaching in the University of California or any branch thereof shall be equivalent to service under legal certificate in a day or evening school and the time of said service in any such school or institution shall be reckoned in determining the right to retirement salary under the provisions of sections thirteen and fourteen of this act.

CHAPTER 45.

An act to amend section two thousand six hundred twenty of the Political Code, relating to the width of highways.

[Approved April 26, 1923.]

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

SECTION 1. Section two thousand six hundred twenty of the Political Code is hereby amended to read as follows:

Width of
highways.

2620. Width of highways. The width of all public highways, except bridges, alleys, and lanes, and trails, shall be at least forty feet. The width of all private highways and by-roads, except bridges, shall be at least twenty feet; *provided, however,* that nothing in this act shall be so construed as to increase or diminish the width of either kind of highways already established or used as such. Where it shall appear to the board of supervisors of any county that any one road which is of general utility and of public convenience and which constitutes the only or principal means of communication

Reconstruction
of
highways.

between one town or village with another town or village in the same county and it is determined by a two-thirds vote of such board of supervisors that the public convenience and necessity demands the acquisition and reconstruction of such road, the said board of supervisors may by resolution passed by two-thirds vote of such board of supervisors, determine to acquire and reconstruct such road and may thereafter proceed to acquire and reconstruct such road although said road may not be of the width of forty (40) feet and said board of supervisors shall charge the cost thereof to the general county fund, the general road fund of the said county, or the district funds of the district or districts benefited, in such proportions as said board of supervisors shall deem just and equitable.

CHAPTER 46.

An act conveying certain tide lands and lands lying under inland navigable waters, situate in the bay of San Diego to the city of National City, in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof.

[Approved April 27, 1923.]

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

WHEREAS, Since the admission of California into the union, all tide lands along the navigable waters of this state and all lands lying beneath the navigable waters of the state have been and now are held in trust by the state for the benefit of all the inhabitants thereof for the purpose of navigation, commerce and fishing; and

WHEREAS, It is the duty of the state to govern, administer and control such lands and to improve and develop navigation, commerce and fishing thereon and thereover; and

WHEREAS, The state has not the general power of alienation of such lands, but may, when the interests of commerce, navigation and fishing require it, convey to municipalities limited and defined areas of such lands with the power to govern, control, improve and develop the same in the interests of all the inhabitants of the state; and

WHEREAS, The conveyance to the city of National City of the lands hereinafter described, together with the right to govern, control, improve and develop the same will result in great advantage and benefit to all the inhabitants of the state; it is provided:

SECTION 1. There is hereby granted and conveyed to the city of National City, in the county of San Diego, State of California, all of the lands situate on the city of National City side of said bay, lying and being between the line of mean high tide and the pier head line in said bay, as the same has been or may hereafter be established by the federal government, and between the prolongation into the bay of

Lands
granted to
National
City.

San Diego to the pier head line of the boundary line between the city of National City and the city of San Diego, and the prolongation into the bay of San Diego to the pier head line of the northerly line of the street commonly known as Thirtieth street, same being the southerly boundary of the city of National City, California.

Use of
lands.

SEC. 2. The city of National City shall have and there is hereby granted to it the right to make upon said premises all improvements, betterments and structures of every kind and character, proper, needful and useful for the development of commerce, navigation and fishing, including the construction of all wharves, docks, piers, slips, and the construction and operation of a municipal belt line railroad in connection with said dock system.

Lands not
to be
alienated.

SEC. 3. No grant, conveyance or transfer of any character shall ever be made by the city of National City of the lands described in section one, or of any part thereof, but the said city shall continue to hold said lands and the whole thereof unless the same revert or be reeded to the State of California. The harbor of National City shall remain always a public harbor and the said city shall never charge or permit to be charged on any of the premises by this act conveyed any unreasonable rate or toll, nor make nor suffer to be made any unreasonable charge, burden or discrimination. In the event of a violation of any of the provisions of this act, the said lands and the whole thereof shall revert to the State of California.

Harbor to
be public.

Leases.

SEC. 4. The city of National City may lease for a term not exceeding twenty-five years any wharves, docks or piers constructed by it, and all such leases so executed shall reserve to the board of trustees of the city of National City, the right and privilege, by ordinance, to annul, change or modify such leases upon the violation of any of the provisions thereof by the lessee as in its judgment may seem proper. The aggregate amount of all wharves, docks and piers so leased by said city shall never exceed seventy-five per cent of all the wharves, docks and piers actually constructed.

Limitation
and
restrictions.

SEC. 5. The city of National City, may lease not to exceed an aggregate of seventy-five per cent of the lands conveyed to it by this act, for a term not to exceed twenty-five years and upon which wharves, docks or piers have not been actually constructed, and, except by consent of the board of trustees of the city of National City under an ordinance of such board duly adopted, such leases shall not be assignable or transferable, nor shall any lessee have the right to sublet the leased premises or any part thereof without such consent.

Use by
state

SEC. 6. The state hereby reserves unto itself at all times the reasonable use of and access to all wharves, docks, piers, slips and quays hereafter constructed under the provisions of this act, for any vessel or water craft owned, leased or operated by the state.

CHAPTER 47.

An act to amend section twenty-eight of an act entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, as amended.

[Approved April 26, 1923.]

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

SECTION 1. Section twenty-eight of the act entitled "**An** Stats. 1917.
p. 761.
amended. act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, as amended, is hereby amended to read as follows:

Sec. 28. In any district the board of directors thereof must, if a petition therefor signed by a majority of the holders of title or evidence of title to the lands within said district representing a majority in value of said lands shall have been filed in the office of the board at least seventy days before the next ensuing general irrigation district election, make an order that the number of directors in said district shall be changed to three or five, or that the directors shall be elected by the district at large or by divisions, or that both the number of directors and the method of their election shall be thus changed, as may be requested in said petition; or, the board of directors on its own initiative, by resolution adopted not less than fifty days before the next ensuing general irrigation district election, may, and said board must, if a petition therefor signed by at least five hundred holders of title or evidence of title to lands within said district representing at least twenty per cent in value of the lands within said district shall have been filed in the office of the board at least seventy days before the next ensuing general irrigation district election, submit to the qualified electors of the district at said election the question whether the number of directors in said district shall be changed to three or five, or whether the directors shall be elected by the district at large or by divisions, or whether both the number of directors and the method of their election shall be thus changed. If upon the submission of said question at an election as aforesaid, a majority of the electors voting thereon in said district and a majority of the electors voting thereon in each division of a majority of the divisions within said district shall approve the change, or changes, proposed in the proposition submitted, the board of directors shall make an order in accordance with such approval. If an order made by the board of directors as in this section provided shall require a change in the method of (change in number of directors or method of election.)

electing directors, all directors thereafter elected in said district shall be elected by divisions or by the district at large as may be provided in said order. If such an order shall require a change in the number of directors, the board of directors shall forthwith redivide said district into the number of divisions corresponding to the number of directors specified in said order, and the terms of office of all the directors of the district shall expire on the first Tuesday in March following the next general irrigation district election, and at said election the number of directors designated in said order shall be elected and shall enter upon the duties of their office on the first Tuesday in March next following their election, and shall classify themselves and determine the length of their respective terms in the manner provided in this act in the case of directors elected upon the organization of a district. The provisions of section one of this act regarding evidence of the genuineness of signatures and place of residence of petitioners shall apply to the petitions provided for in this section. If a question is submitted to the electors of a district as in this section provided, it shall be stated on the ballot, and the method of voting thereon shall be, as nearly as practicable in conformity with the provisions of section thirty *e* of this act, and the notice of election shall contain a statement showing what change or changes are proposed in the question thus to be submitted.

CHAPTER 48.

An act to amend section two thousand one hundred ninety-two of the Political Code, relating to the admission of persons into the home for feeble-minded and to the support of persons admitted to said home.

[Approved April 26, 1923.]

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

SECTION 1. Section two thousand one hundred ninety-two of the Political Code is hereby amended to read as follows:

Commitment
of incompetents other
than insane
persons.

2192. Whenever any parent, guardian, or other person charged with the support of an imbecile or feeble-minded person, or any idiot, or epileptic who is not insane, desires him to be admitted into the home for feeble-minded, he may petition the superior court of the county in which he resides, for an order admitting such person to such hospital; *provided*, that any probation officer or district attorney may petition said court for an order admitting such a person to such hospital. Whenever such petition is filed by a probation officer or district attorney, the court shall require such notice of the hearing of said petition to be given to any parent, guardian, or other person charged with the support of said imbecile, or feeble-minded person, or idiot, or epileptic mentioned in said petition, as the court may deem proper. The judge must

inquire into the condition or status of such person, and if he finds him to be an imbecile, feeble-minded person, idiot or epileptic, and that he has been a resident of the state for one year next preceding the presentation of the petition, such judge must make an order that he be received, maintained, and educated in such hospital, and on the presentation of such order the superintendent must receive him therein, if the hospital is not already full, or the fund available for its support exhausted; but the imbecile, feeble-minded person, idiot, or epileptic, need not be received if, in the judgement of the management of the hospital or the commission, he is not a suitable subject for admission thereto. The judge must inquire into the financial condition of the parent, guardian, or other person charged with the support of any such person, and if he finds him able, in whole or in part, to pay his expenses at such hospital, he must make a further order requiring such parent, guardian, or other person charged with the support of such person to pay to the hospital at stated periods such sums as, in the opinion of the judge, are proper during such time as the person may remain in such hospital. This order may be enforced by such further orders as the judge deems necessary, and may be varied, altered, or revoked in his discretion, and the board of managers may, with the approval of the commission, cause the peremptory discharge of any person who has been an inmate or patient for the period of one month. For each child or other person committed to such home there shall be paid by the county from which he is committed to the state treasury the sum of twenty dollars monthly for and during each month, or part of month, such person so committed remains an inmate of the hospital, in case the payments herein provided to be made by the parent, guardian, or other person charged with the support of any such person shall not be made.

Financial condition of parent or guardian.

Peremptory discharge.

CHAPTER 49.

An act conveying certain tidelands and lands lying under inland navigable waters situate in the bay of San Diego to the city of Coronado in furtherance of navigation, commerce and fisheries and providing for the government, management and control thereof.

[Approved April 27, 1923.]

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

SECTION 1. There is hereby granted and conveyed to the city of Coronado, a municipal corporation in the county of San Diego, State of California, all the right, title and interests of the State of California, held by said state by virtue of its sovereignty, in and to all the tide lands and submerged lands (whether filled or unfilled), within the present boundaries of said city and situated upon the Coronado side of the bay of San Diego, in the county of San Diego, State of California.

Lands granted to Coronado.

lying between the line of mean high tide and the pier head line in said bay, as the same has been or may hereafter be established by the federal government, and between the prolongation of the easterly boundary line of the city of Coronado into Glorietta bay, a portion of the said San Diego bay, and the prolongation of the westerly boundary line of the city of Coronado into Spanish bight, a portion of said San Diego bay; to be forever held by said city of Coronado in trust for the uses and purposes and upon the express conditions following, to wit:

Use of
lands.

(a) That said lands shall be used by said city for the establishment, improvement and conduct of the harbor and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays, and other utilities, structures and appliances necessary or convenient for the promotion of commerce and navigation and fisheries and for the establishment and maintenance of bath houses and bathing facilities necessary or convenient for the inhabitants of said city, and said city shall not at any time grant, convey, give or alien said lands or any part thereof to any individual, firm or corporation for any purpose whatsoever; *provided*, that said city may grant franchises thereon for wharves and other public uses and purposes, and may lease said lands or any part thereof for a period not exceeding twenty-five years for purposes consistent with the trust upon which said lands are held by the State of California and with the requirements of commerce or navigation of said harbor;

Lands not to
be alienated.

Leases.

Harbor to
be public.

(b) That said harbor shall be improved by said city without expense to the State of California, and it shall always remain a public harbor for all purposes of commerce, navigation, and the State of California shall have at all times the right to use without charge all wharves, docks, piers, slips, quays and other improvements constructed on said land or any part thereof for any vessel or other water craft or railroad, owned and operated by the State of California;

No dis-
crimination.

(c) That in the management, conduct or operation of said harbor or of any of the utilities, structures or appliances mentioned in paragraph (a) no discrimination in rates, tolls or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said city.

Right
to fish.

Reserving, however, for the people of the State of California the absolute right to fish in the waters of said harbor with the right of convenient access to said waters over said lands for said purpose.

CHAPTER 50.

An act to amend sections two, five, sixteen and seventeen, of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a state corporation department and the office of commissioner of corporations," approved May 18, 1917, as amended, and to add a new section to said act to be numbered twenty-four a, relating to the powers and duties of the commissioner of corporation.

[Approved April 27, 1923.]

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

SECTION 1. Section two of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a state corporation department and the office of commissioner of corporations," approved May 18, 1917, as amended, is hereby amended to read as follows:

Stats. 1910,
p. 231,
amended.

Sec. 2. Words used in this act in the present tense include the future as well as the present; words used in the masculine gender include the feminine and neuter, and in the neuter, the masculine and feminine; the singular number includes the plural, and the plural, the singular; "writing" includes "printing" and "typewriting"; "oath" includes "affirmation"; the word "county" includes "city and county"; and "territory" includes "district." The following words have in this act the signification attached to them in this section, unless otherwise apparent from the context:

Words
defined.

1. The word "department" means the "state corporation department" created by this act.

2. The word "commissioner" means the "commissioner of corporations."

3. The word "company" includes all domestic and foreign private corporations, associations, joint stock companies, and partnerships, of every kind, trustees, as hereinafter defined, and also individuals as hereinafter defined; excepting therefrom:

"Company."

(a) All national banking associations and other corporations organized and existing under and by virtue of the acts of the congress of the United States;

(b) All public utilities subject to the jurisdiction, control, and regulation of the railroad commission of this state;

(c) All corporations now or hereafter organized under the laws of this state for the purpose of conducting the business of banking within this state and all corporations transacting insurance business within this state, when such corporations

are issuing securities of their own issue against their own assets.

(d) All corporations, associations, or societies transacting business under the supervision, examination, and license of the bureau of building and loan supervision; and

(e) Every corporation organized under the laws of this state exclusively for the purposes provided in any of the following titles, to wit: eleven *a*, twelve, twelve *a*, and fourteen of part four, division first, of the Civil Code, and in accordance with the provisions of such titles.

"Trust."

4. The word "trust" as used in this act includes all voluntary trusts, as the same are defined in the Civil Code, expressly created by or declared in an instrument in writing, other than a will or a judicial writ, order, decree, or judgment, to carry on any business or to secure the payment or repayment of money.

5. The word "trustee," except as hereinafter used in subdivision nine of this section, includes only persons or companies executing trusts as hereinbefore defined.

"Individual"

(a) The word "individual" in so far as it is included in the definition of a "company," includes only persons selling, offering for sale, negotiating for the sale of or taking subscriptions for any security as hereinafter defined in subdivision six *a* of this section, of their own issue.

"Security."

6. The word "security" includes:

(a) All shares or other interests or rights into which the capital, capital stock, or property of companies or rights of stockholders or members thereof are divided, including all treasury shares and shares of their own capital stock purchased or otherwise acquired by companies upon delinquent assessment sales or in any other lawful manner, and all certificates and other instruments issued by them or their authority, evidencing or representing such shares, interests, or rights;

(b) All bonds, debentures, and evidences of indebtedness issued by any company; and

(c) Any instrument issued or offered to the public by any company, evidencing or representing any right to participate or share in the profits or earnings or the distribution of assets of any business carried on for profit; excepting therefrom the following:

1. Bills of exchange and promissory notes not offered to the public by the drawer, maker, or underwriter thereof, and all mortgages and deeds of trust of property situated in this state, executed to secure the payment thereof; and

2. Any security listed in any standard manual of information, as to which the commissioner shall first make and file his written finding to the effect that such security is fully and accurately described in such manual and that a sale thereof will not, in his opinion, work a fraud upon the purchaser thereof; *provided*, that if such finding shall thereafter be vacated or set aside, such security shall not thereafter be deemed to be included within this exception.

6a. The word "security," in so far as it applies to "individuals," includes:

(a) Any instrument offered to the public by an "individual" evidencing or representing any right to participate or share in oil, gas or other hydrocarbon substances or other minerals of any sort, as yet undeveloped, or in the proceeds of sale thereof;

(b) All bonds, debentures and evidence of indebtedness offered to the public by an "individual."

7. A "sale," within the meaning of this act, includes every "Sale." contract, by which, for a pecuniary consideration, called a price, one transfers to another an interest in property, and also an exchange, a pledge, a hypothecation, and any transfer in trust or otherwise as security for the performance of an obligation, and also any issue of any security by a company; and the word "sell," as used in this act, includes every act by which such sale is made; *provided, however,* that the execution or delivery of a certificate or certificates in exchange for a certificate or certificates evidencing a like aggregate par value of its shares theretofore legally issued by it, shall not be construed to be a sale.

8. The word "agents," as used in this act, means and "Agents." includes every person or company employed or appointed by a company or broker who shall, within this state, either as an employee or otherwise, for a compensation, sell, offer for sale, negotiate for the sale of, or take subscriptions for any "security" of any company.

9. The word "broker," as used in this act, includes every "Broker." person or company, other than an agent, who shall, in this state, engage either wholly or in part in the business of selling, offering for sale, negotiating for the sale of, or otherwise dealing in any "security" or "securities" issued by others, or of underwriting any issue of "securities," or of purchasing such "securities" with the purpose of re-selling them, or of offering them for sale to the public. The word "securities," as used in this paragraph, includes the following "securities" issued by "individuals:"

Any instrument offered to the public by an "individual" evidencing or representing any right to participate or share in oil, gas or other hydrocarbon substances or other minerals of any sort, as yet undeveloped, or in the proceeds of sale thereof;

All bonds, debentures and evidence of indebtedness offered to the public by an "individual".

The following are excepted from the provisos of this paragraph:

(a) Any owner of any security who is not the issuer or an underwriter thereof, who sells or exchanges the same for his own account; *provided,* that such sale or exchange is not made in the course of repeated and successive transactions of like or similar character by him; Exceptions.

(b) Any trustee of a trust created by or declared in a will or a judicial writ, order, decree or judgment, who, in such capacity, lawfully disposes of any property;

(c) Any company transacting a banking or insurance business in this state, selling a security for an owner thereof or a broker, other than an underwriter thereof, at a commission of not more than two per cent of the par or face value thereof; *provided*, such sale is not made in the course of repeated and successive transactions of like or similar character by such company;

(d) One, not the issuer, who disposes of securities to a broker or to a purchaser who, as a part of his regular business, purchases such securities;

(e) Any pledge holder selling, in good faith and not for the purpose of avoiding the provisions of this act, and in the ordinary course of business, a security pledged with him as security for a bona fide debt.

“Actual
fraud.”

10. The words “actual fraud,” as used in this act, are defined in section one thousand five hundred seventy-two of the Civil Code.

Stats. 1917,
p. 677,
amended.

SEC. 2. Section five of said act approved May 18, 1917, as amended, is hereby amended to read as follows:

Certificate
of agent
or broker

SEC. 5. No person or company shall act as an agent or broker until such person or company shall have first applied for and secured from the commissioner a certificate, then in effect, authorizing such person or company so to do. Every such certificate shall expire on the thirty-first day of December next after its issuance, unless sooner revoked. To secure such certificate, the applicant shall make and file in the office of the commissioner an application therefor in writing, verified by or in behalf of the applicant. In such application, the applicant shall set forth, in addition to such other information as may be required by the commissioner:

1. The name and address of the applicant, and, if it be a corporation, association, or joint stock company, the name and address of each of its managing officers and agents, and, if it be a partnership, the name and address of each of the partners;

2. A succinct statement of facts showing that the applicant, and its managing officers and agents, if it be a corporation, or members, if it be a partnership, have a good business reputation;

3. If the applicant is a broker, the general plan and character of the business of the applicant.

Bond.

At the time of filing an application for a broker's certificate, the applicant shall deliver to the commissioner of corporations, a good and sufficient bond for five thousand dollars, payable to the State of California, to be executed by said applicant, together with a surety company, and to be approved by the commissioner of corporations. Said bond shall be conditioned upon the faithful compliance with the provisions of law by said applicant and by all agents representing the said appli-

cant, and shall provide that upon failure to so comply the applicant shall be liable to any and all persons who may suffer loss by reason thereof.

For filing such application, the applicant shall pay a fee ^{Fee.} as hereinafter provided. If the applicant is a corporation or association organized under the laws of any other state, territory, or government, it shall file with its application a copy of its articles of incorporation or association, together with a certificate executed by the proper officer of such state, territory, or government not more than thirty days before the filing of such application, showing that such applicant is authorized to transact business in such state, territory, or government, and also, in such form as the commissioner may prescribe, its written instrument, irrevocably appointing the commissioner and his successor in office its true and lawful attorney upon whom all process in any action or proceeding against it, arising out of or founded upon the actual fraud of such applicant in the sale of securities within this state, may be served, with the same effect as if said corporation or association were organized or created under the laws of this state and had been lawfully served with process therein.

SEC. 3. Section sixteen of said act approved May 18, 1917, ^{Stats. 1917,} as amended, is hereby amended to read as follows: ^{p. 681,}

Sec. 16. The commissioner shall employ such clerks and ^{amended} deputies as he may need to discharge in proper manner the ^{Clerks and} duties imposed upon him by law, including stenographic ^{deputies} reporters to take and transcribe the testimony in any formal hearing or investigation before the commissioner or authorized by him. The attorney general shall render to the commissioner ^{Duty of} opinions upon all questions of law, relating to the construction ^{attorney} or interpretation of this act or arising in the administration ^{general.} thereof, that may be submitted to him by the commissioner, and shall act as the attorney for the commissioner in all actions and proceedings brought by or against him under or pursuant to any of the provisions of this act. Neither the commissioner nor any of his clerks or deputies shall be interested in any company which shall have applied for or secured a permit to sell securities, or in any broker, or agent as a director, stockholder, officer, member, agent, or employee. Such clerks and deputies shall perform such duties as the commissioner shall assign to them. He shall fix the compensation of such clerks and deputies, which compensation shall be paid monthly, on the certificate of the commissioner and on the warrant of the controller, out of the state treasury. Each deputy shall, within fifteen days after his appointment, take and subscribe to the constitutional oath of office, and file the same in the office of the secretary of state.

SEC. 4. Section seventeen of said act approved May 18, 1917, as amended, is hereby amended to read as follows: ^{Stats 1917,}

Sec. 17. The commissioner shall at all times have the power ^{amended.} to administer oaths and to make an examination or investigation of the books, records, accounts, and other papers, and of the business of any company, broker, or agent permitted or ^{Powers} of com- ^{missioner} regarding in- ^{vestigations.}

authorized by him to sell securities, to make dividends, to create debts, to divide, withdraw, or pay to the stockholders, or any of them, any part of its capital stock, or to increase or reduce its capital stock. In any examination, audit, or investigation made or hearing conducted by him, he shall have the power to take the testimony of any witness and to issue subpoenas, requiring the attendance upon such examination, audit, investigation, or hearing in any part of the state of witnesses and the production of books, documents, and other things under their control, and in any such case to take or cause to be taken the deposition of any witness residing within or without this state, the commissioner may pay out of the revolving fund to any witness subpoenaed by him the necessary and reasonable traveling expenses of such witness from his place of residence to the place of hearing or investigation and return and a per diem of two dollars for each day that such witness is in attendance at or en route to and from such place of hearing or investigation in obedience to such subpoena.

All of the provisions of chapter two of title three of part four of the Code of Civil Procedure, relating to the means of production of evidence out of court, shall be applicable to any examination, investigation, or hearing under this act. No person shall be excused from testifying or from producing any book, document, or other thing under his control upon any such examination, audit, investigation, or hearing upon the ground that his testimony, or the book, document, or other thing required of him, may tend to incriminate him, or may have a tendency to subject him to punishment for a felony, or to a penalty or forfeiture; but no person shall be prosecuted, punished, or subjected to any penalty or forfeiture for or on account of any act, transaction, matter, or thing concerning which he shall have been so compelled to testify under oath, or to produce such documentary or other evidence; *provided*, that no person so testifying shall be exempt from prosecution or punishment for perjury if committed by him in his testimony. The authority to make or conduct any such examination, audit, investigation, or hearing, including the authority to administer oaths, and to subpoena witnesses and take their testimony, may be delegated by the commissioner to any deputy or examiner appointed by him for that purpose. Such appointment shall be made by an instrument in writing, signed by the commissioner under his official seal, and upon such examination, audit, investigation, or hearing, the same shall be produced by such deputy or examiner at any time upon demand therefor.

SEC. 5. A new section is hereby added to said act, approved May 18, 1917, as amended, to be numbered twenty-four *a*, and to read as follows:

24*a*. The commissioner may, after four years from date of filing and with the approval of the board of control, destroy all applications, permits and certificates, together with the files and folders, as the same have become useless or obsolete.

CHAPTER 51.

An act to amend sections two, three, nine, eleven a, twelve, nineteen, twenty a and twenty b of, and to add a new section to be numbered nine a, to an act, entitled "An act to define real estate brokers and salesmen; to provide for the regulation, supervision and licensing thereof; to create a state real estate department and the office of real estate commissioner; to provide for the enforcement of said act and penalties for the violation thereof; and repealing an act entitled 'An act to define real estate brokers, agents, salesmen, solicitors; to provide for the regulation, supervision and licensing thereof; to create the office of real estate commissioner; and making an appropriation therefor,' approved June 1, 1917, and all acts or parts inconsistent with the provisions of this act," approved May 27, 1919, as amended.

[Approved April 27, 1923.]

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

SECTION 1. Section two of an act entitled "An act to define real estate brokers and salesmen; to provide for the regulation, supervision and licensing thereof; to create a state real estate department and the office of real estate commissioner; to provide for the enforcement of said act and penalties for the violation thereof; and repealing an act entitled 'An act to define real estate brokers, agents, salesmen, solicitors; to provide for the regulation, supervision, and licensing thereof; to create the office of real estate commissioner; and making an appropriation therefor,' approved June 1, 1917, and all acts or parts of acts inconsistent with the provisions of this act," approved May 27, 1919, as amended, is hereby amended to read as follows:

Stats. 1919,
p. 1252,
amended

Sec. 2. A real estate broker within the meaning of this act is a person, copartnership or corporation who, for a compensation, sells, or offers for sale, buys, or offers to buy, or negotiates the purchase or sale or exchange of real estate, or who, for compensation, negotiates loans on real estate, leases, or offers to lease, rents, or places for rent, or collects rent from real estate, or improvements thereon, for others as a whole or partial vocation. A real estate salesman within the meaning of this act is one who for a compensation is employed by a licensed broker to sell, or offer for sale, or to buy, or to offer to buy, or to negotiate the purchase or sale or exchange of real estate, or to negotiate a loan on real estate, or to lease, or offer to lease, rent or place for rent, any real estate, or improvements thereon, as a whole or partial vocation. The provisions of this act shall not apply to any person, copartnership or corporation who shall perform any of the acts aforesaid with reference to property owned by such person, copartnership or corporation; nor shall the provisions of this act apply to persons holding a duly executed power of attor-

Real estate
broker.

Real estate
salesman.

Application
of act.

ney from the owner, nor shall this act be construed to include in any way the services rendered by an attorney at law in performing his duties as such attorney at law; nor shall it be held to include any receiver, trustee in bankruptcy, or any person acting under order of any court, nor to a trustee selling under a deed of trust. One act, for a compensation, of buying or selling real estate of or for another, or offering for another to buy or sell or exchange real estate, or negotiating a loan on or leasing or renting or placing for rent real estate, or collecting rent therefrom shall constitute the person, copartnership or corporation making such offer, sale or purchase, exchange or lease, or negotiating said loan, or so renting or placing for rent or collecting said rent a real estate broker or salesman within the meaning of this act.

Act
constituting
person, etc.,
a broker.

Stats 1919,
p 1253,
amended.

State
real estate
department
created.

SEC. 2. Section three of said act approved May 27, 1919, as amended, is hereby amended to read as follows:

Sec. 3. There is hereby created a state real estate department. The chief officer of such department shall be the real estate commissioner. He shall be appointed by the governor and hold office at the pleasure of the governor. He shall receive an annual salary of five thousand dollars, to be paid monthly out of the state treasury upon a warrant of the controller. He shall within fifteen days from the time of notice of his appointment take and subscribe to the constitutional oath of office, and file the same in the office of the secretary of state and execute to the people of the State of California a bond in the penal sum of ten thousand dollars executed by two or more sureties, or by a surety company duly authorized to do business in this state, to be approved by the governor of the state, for the faithful discharge of the duties of his office. The real estate commissioner shall have full power to regulate and control the issuance and revocation, both temporary and permanent, of the licenses to be issued under the provisions of this act, and to perform all other acts and duties provided in this act and necessary for its enforcement. The real estate commissioner shall publish or cause to be published on or about March 1st and August 1st of each year a directory or list of licensed brokers and salesmen and may publish therewith such matter as he may deem pertinent to the act, and shall mail one copy of such directory to each licensed broker without charge. The real estate commissioner shall employ such deputies, clerks and assistants as he may need to discharge in proper manner the duties imposed upon him by law. Neither the real estate commissioner, nor any of his deputies, clerks or assistants shall be interested in any real estate company or real estate broker as director, stockholder, officer, member, agent or employee. Such deputies, clerks and assistants shall perform such duties as the real estate commissioner shall assign to them. The real estate commissioner shall fix the compensation of such deputies, clerks and assistants which compensation shall be paid monthly on a certificate of the real estate commissioner and

Directory of
brokers and
salesmen

Clerks and
deputies.

on the warrant of the controller out of the state treasury. Each deputy shall, after his appointment, take and subscribe to the constitutional oath of office and file the same in the office of the secretary of state.

SEC. 3. Section nine of said act approved May 27, 1919, as amended, is hereby amended to read as follows:

Stats 1919,
p 1355,
amended.

Applications
for license.

Sec. 9. Application for license as real estate broker shall be made in writing to the real estate commissioner, which application shall be accompanied by the recommendation of two real estate owners of the county in which such applicant resides or has his place of business, certifying that the applicant is honest, truthful and of good reputation, and recommending that a license be granted the applicant. If the applicant shall have resided, or shall have engaged in business for less than one year in the county from which the application is made, the same shall also be accompanied by the recommendation of two real estate owners of each of the counties where he has formerly resided or engaged in business during said period of one year prior to the filing of said application, certifying that the applicant is honest, truthful and of good reputation and recommending that a license be granted the applicant. Where the applicant for a real estate broker's license maintains more than one place of business within the state he shall be required to apply for and procure a duplicate license for each branch office so maintained by him. Such duplicate license shall be issued without additional charge. Every such application shall state the name of the person, copartnership or corporation, and the location of the place or places of business for which such license is desired.

Application for license as real estate salesman shall be made in writing to the real estate commissioner, signed by the applicant, setting forth the period of time during which he has been engaged in the business, stating the name of his last employer and the name and place of business of the person, copartnership or corporation then employing him, or in whose employ he is to enter. The application shall be accompanied by the recommendation of his employer, if employed, certifying that the applicant is honest, truthful and of good reputation, and recommending that the license be granted to the applicant.

Licenses
for salesmen.

The real estate commissioner may require such other proof as he may deem advisable of the honesty, truthfulness and good reputation of any applicant for a license, or of the officers of any corporation, or of the members of any copartnership making such application before authorizing the issuance of a license. In addition to proof of honesty, truthfulness and good reputation of any applicant for a broker's license, the real estate commissioner may also require proof that the applicant has a fair knowledge of the English language, including reading, writing, spelling, elementary arithmetic, a fair understanding of the rudimentary principles of real estate conveyancing, the general purposes and general

Proof of
character
and
education

legal effect of deeds, mortgages, land contracts of sale, and leases, and a general and fair understanding of the obligations between principal and agent as well as of the provisions of the California real estate act.

SEC. 4. A new section is hereby added to said act approved May 27, 1919, as amended, to be numbered nine *a* and to read as follows:

Bond.

Sec. 9*a*. All applicants for broker's license shall, in addition to such recommendations, file with the said real estate commissioner a satisfactory bond to the people of the State of California, duly executed by a sufficient surety, or sureties, to be approved by said commissioner, in the amount of two thousand dollars conditioned for the faithful performance by such broker of any undertaking as a licensed real estate broker under this act. Any person injured by the failure of a real estate broker to perform his duties, or comply with the provisions of this act, shall have the right in his own name to commence such an action against said real estate broker and his sureties for the recovery of any damage sustained by the failure or omission of said real estate broker to perform his duties or either of them, or to comply with the provisions of this act or any of them. It shall be the duty of the real estate commissioner to see that such bond remains and is kept good.

Recovery of damages.

Stats. 1921,
p. 1295,
amended.

SEC. 5. Section eleven *a* of said act approved May 27, 1919, as amended, is hereby amended to read as follows:

Sec. 11*a*. Each individual, firm or corporation licensed as a broker under the provisions of this act shall erect and maintain a sign in a conspicuous place on the premises to indicate that he or it is a licensed real estate broker and the name of said individual, firm or corporation shall be clearly shown thereon. The size of such sign shall conform to regulations that may be adopted by the real estate commissioner.

Sign at
place of
business.

Stats 1919,
p. 1256,
amended.

SEC. 6. Section twelve of said act approved May 27, 1919, as amended, is hereby amended to read as follows:

Revocation
of licenses.

Sec. 12. The real estate commissioner may upon his own motion, and shall upon the verified complaint in writing of any person, investigate the actions of any person, copartnership or corporation engaged in the business or acting in the capacity of a real estate broker, or a real estate salesman, within this state, and shall have the power to temporarily suspend or permanently revoke licenses issued under the provisions of this act, at any time where the holder thereof in performing, or attempting to perform any of the acts mentioned herein is guilty of—

- (1) Making any substantial misrepresentation, or
- (2) Making any false promises of a character likely to influence, persuade or induce, or
- (3) A continued and flagrant course of misrepresentation or making of false promises through agents or salesmen, or
- (4) Acting for more than one party in a transaction without the knowledge or consent of all parties thereto, or

(5) Any other conduct, whether of the same or a different character than hereinafores specified, which constitutes dishonest dealing.

Before denying, suspending or revoking any license the said commissioner shall notify, in writing, the applicant or holder of such license of the charges against him and afford an opportunity to be heard in person or by counsel in reference thereto. The decision of the said commissioner in denying, suspending or revoking any license under this act shall be subject to review in accordance with the provisions of chapter one of title one of part three of the Code of Civil Procedure; and any party aggrieved by such decision of the commissioner may within ten days from the date of said decision appeal therefrom to the superior court of the State of California, in and for the county in which the person affected by such decision resides or has his place of business under the terms of this act, by serving upon the commissioner a notice of such appeal and a demand in writing for a certified transcript of all the papers on file in his office affecting or relating to such decision and all the evidence taken on the hearing and paying ten cents for each folio of the transcript and one dollar for the certification thereof. Thereupon the commissioner shall, within thirty days, make and certify such transcript, and the appellant shall, within five days after receiving the same, file the same and the notice of appeal with the clerk of said court. Upon the hearing of such appeal, the burden of proof shall lie upon the appellant, and the court shall receive and consider any pertinent evidence, whether oral or documentary, concerning the action of the commissioner from which the appeal is taken, but shall be limited to a consideration and determination of the question whether there has been an abuse of discretion on the part of the commissioner in making such decision. In suspending or revoking any license the decision of the commissioner shall not take effect until ten days after its date. In the event of said appeal from said decision to the superior court of the State of California, the decision of the commissioner shall remain in effect pending the determination of such appeal, unless the party appealing and aggrieved by such decision of the commissioner shall file with the judge of the superior court a bond in a sum to be fixed by said court, which bond shall be in favor of the people of the State of California and be conditioned upon the faithful performance of all the obligations of such appellant or aggrieved person as a real estate broker. Said bond shall be for the benefit of any person having real estate dealings with such appellant or aggrieved person, and any such person so dealing with the same shall have the right to commence a suit thereon in his own name against said broker and his sureties.

SEC. 7. Section nineteen of said act approved May 27, 1919, as amended, is hereby amended to read as follows:

Sec. 19. For a violation of any of the provisions of sections eleven, eleven a, fourteen and eighteen of this act the real

Appeal from
revocation
of license.

When
revocation
takes effect.

Bond
pending
appeal.

Stats. 1919,
p. 1259,
amended

Violation
of sections
14 and 18.

estate commissioner may temporarily suspend or permanently revoke the license of such holder in accordance with the proceedings set forth in section twelve of this act.

Stats. 1921,
p. 1295,
amended.

SEC. 8. Section twenty *a* of said act approved May 27, 1919, as amended, is hereby amended to read as follows:

Report on
colonization
subdivisions.

Sec. 20*a*. The state real estate commissioner, upon his own initiative may investigate, or upon written application of the owner of any agricultural lands being offered for sale, or proposed to be offered for sale, for colonization purposes or for farm acreage subdivision or for rural settlement, shall investigate said colonization or farm acreage subdivision or rural settlement enterprise and shall make a public report thereon, and, in his discretion, shall issue a certificate of approval thereof. The application of the owner shall contain such information as shall be required by the commissioner; and, from time to time after the issuance of said certificate, the owner shall furnish to the commissioner any other information concerning the project which the commissioner may require. The certificate of approval may be qualified or unqualified and shall be revocable at any time and its terms may be changed from time to time. Among other things which said commissioner may deem appropriate the certificate shall state the name and location of the project; the names of the owner and sales agents; whether or not the project in whole or in part is irrigable or depends upon irrigation; the source or sources of water and the nature and condition of water rights; the total area of the project and the unit size of parcels for sale; the proposed average selling price per acre; the terms of sale; the amount of any outstanding liens or bonded debts which affect the project; the proven and the probable adaptabilities of the soil of the projects, and the character of the soils thereof; available transportation facilities, and roads and community improvements; drainage conditions and systems; the condition of title to the lands of the project; and the methods of sale being used or proposed to be used in effecting the sale thereof. The public report of said commissioner on any project shall contain as nearly as possible all the information required to be inserted in said certificate of approval. The real estate commissioner shall be empowered to prepare a questionnaire and to employ such expert and technical assistants as may be necessary to a proper examination of the projects submitted. The cost of such examinations to be borne by the applicants on the basis of actual cost to the department.

Certificate of
approval.

Public
report.

Examina-
tions.

Stats. 1921,
p. 1296,
amended.

SEC. 9. Section twenty *b* of said act approved May 27, 1919, as amended, is hereby amended to read as follows:

Penalty for
false state-
ments and
other viola-
tions of
this act.

Sec. 20*b*. Every officer, agent or employee of any company, and every other person who knowingly authorizes, directs or aids in the publication, advertisement, distribution or circularization of any false written statement or representation concerning any land or subdivision thereof offered for sale, and every person who, with knowledge that any advertisement, pamphlet, prospectus or letter concerning any said land or

subdivision contains any written statement that is false or fraudulent, issues, circulates, publishes or distributes the same, or shall cause the same to be issued, circulated, published or distributed, or who, in any other respect, wilfully violates or fails to comply with any of the provisions of this act, or who in any other respect wilfully violates or fails, omits or neglects to obey, observe or comply with any order, permit, decision, demand or requirement of the commissioner in this act, is guilty of a public offense, and shall be punished by imprisonment in the state prison or the county jail for a term not to exceed two years, or by a fine of not to exceed two thousand dollars. It shall be the duty of the district attorney of each county in this state to prosecute all violations of the provisions of this section and of this act in the respective counties in which said violations occur, such prosecutions to be instituted, however, only upon the written request or demand of the real estate commissioner.

CHAPTER 52.

An act to amend section one thousand seven hundred sixty-one of the Code of Civil Procedure relating to notices to relatives of persons under guardianship.

[Approved April 28, 1923.]

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

SECTION 1. Section one thousand seven hundred sixty-one of the Code of Civil Procedure is hereby amended to read as follows:

1761. At any time after the issuance of letters of guardianship upon the estate of any minor, insane or incompetent person, any relative of the ward, or the attorney for such relative, may serve upon the guardian, or upon the attorney for the guardian, and file with the clerk of the court wherein administration of such ward's estate is pending, a written request, stating that he desires special notice of any or all of the following mentioned matters, steps or proceedings in the administration of said estate, to wit:

1. Filing of the return of sales of any property of the ward's estate.
2. Filing of accounts.
3. Filing of application for removal of ward's property to any foreign jurisdiction.
4. Filing of petitions for partition of any property of the ward's estate.
5. Proceedings for removal, suspension or discharge of the guardian, or final determination of the guardianship.

Such request shall state the post office address of such relative, or his attorney, and thereafter a brief notice of the filing of any of such petitions, applications, or accounts, or proceedings, except petitions for sale of perishable property, or other

Special notice of administrative proceedings, demand for by relatives.

Notice, how served.

personal property which will incur expense or loss by keeping, shall be addressed to such relative, or his attorney, at his stated post office address, and deposited in the United States post office with the postage thereon prepaid, within two days after the filing of such petition, account, application, or the commencement of such proceeding; or personal service of such notices may be made on such relative, or his attorney, within said two days, and such personal service shall be equivalent to such deposit in the post office, and proof of mailing or of personal service must be filed with the clerk before the hearing of any such matter. If, upon the hearing it shall appear to the satisfaction of the court that the said notice has been regularly given, the court shall so find in its order or judgment, and such judgment shall be final and conclusive upon all persons.

CHAPTER 53.

An act to amend section one thousand two hundred seventy-five of the Civil Code, relating to those who may take by will.

[Approved April 28, 1923.]

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

SECTION 1. Section one thousand two hundred seventy-five of the Civil Code is hereby amended to read as follows:

Who may
take by
will.

1275. A testamentary disposition may be made to any person capable by law of taking the property so disposed of, except that corporations other than counties, municipal corporations, and corporations formed for scientific, literary, or solely educational or hospital purposes, or primarily for the public preservation of forests and natural scenery, can not take under a will, unless expressly authorized by statute; subject, however, to the provisions of section one thousand three hundred thirteen.

CHAPTER 54.

An act to add a new section to the Political Code to be numbered two thousand six hundred nine, relating to the powers of the state board of harbor commissioners for the bay of San Diego.

[Approved April 30, 1923.]

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

SECTION 1. A new section is hereby added to the Political Code to be numbered two thousand six hundred nine and to read as follows:

Jurisdiction
over
Mission bay.

2609. The state board of harbor commissioners for the bay of San Diego, in addition to its other duties and powers, shall have possession and control of the entire bay known as Mission bay (also known as False bay), lying in the county of

San Diego, together with the improvements, rights, privileges, easements and appurtenances connected therewith or in any wise pertaining thereto, for like purposes and subject to like restrictions as to their use as are provided for the bay of San Diego in sections two thousand five hundred seventy-seven to two thousand six hundred eight, both inclusive, of the Political Code of the state, and said sections of the Political Code, so far as they apply and are not inconsistent with the provisions hereof, shall apply to such possession and control of said Mission bay in the same manner and to the same extent as they expressly apply to the bay of San Diego.

Whenever the said state board of harbor commissioners shall have located a line for a harbor embankment or sea wall for any part of said Mission bay in the manner provided in section two thousand five hundred eighty-eight they shall make a plan and plat of all the lands in the state included between the said embankment and shore line of the said bay, and shall file a copy of such plan and plat with the county recorder of the county of San Diego. Plat of Mission bay

The said commissioners shall have the right to lease and let said lands of Mission bay under such established rules and regulations as they may adopt and publish, but no lease shall be made or be valid for a term of more than fifty years nor shall any lease be made or be valid except made to the highest bidder at public auction after notice has been given in the official newspaper of the city of San Diego for at least thirty days prior to said auction, and all leases shall provide for the payment of monthly rentals; and that the lessee or his assigns shall not use said lands in any manner to decrease the amount of the tidal waters of the bay, and shall also provide for the forfeiture of said leases upon nonfulfilment of any of the covenants of said leases. No portion of said lands shall be leased in one lease in quantity to exceed forty acres, nor shall the leases of more than one hundred twenty acres in quantity of said land be sold in any one public auction. All funds derived from said leases shall be reported to and paid out from the state treasury as provided in section two thousand five hundred eighty-four. Leases.

CHAPTER 55.

An act to amend sections two, three, seven hundred fifty-six and eight hundred fifty-six of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, as amended.

[Approved April 30, 1923.]

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

SECTION 1. Section two of an act entitled "An act to provide for the organization, incorporation, and government Stats. 1880,
p 371,
amended,

of municipal corporations," approved March 13, 1883, as amended, is hereby amended to read as follows:

Manner of proceeding to organize a municipal corporation.

Sec. 2. A petition shall first be presented to the board of supervisors of such county, signed by at least fifty of the qualified electors of the county, residents within the limits of such proposed corporation, and the affidavit of three qualified electors residing within the proposed limits, certifying to the genuineness of the said signatures, filed with the petition, shall be prima facie evidence of the requisite number of signers. The petition shall set forth and particularly describe the proposed boundaries of such corporation, and state the number of inhabitants therein, as nearly as may be, and shall pray that the same may be incorporated under the provisions of this act. Such petition shall be presented at a regular meeting of such board, and shall be published for at least two weeks before the time at which the same is to be presented, in some newspaper printed and published in such county, together with a notice stating the time of the meeting at which the same will be presented. When such petition is presented, the board of supervisors shall hear the same, and may adjourn such hearing from time to time, not exceeding two months in all, and on the final hearing, shall

Boundaries.

make such changes in the proposed boundaries as they may find to be proper and shall establish and define such boundaries, and shall ascertain and determine how many inhabitants reside within such boundaries; *provided*, that any changes made by said board of supervisors shall not include any territory outside of the boundaries described in such petition; *and provided, further*, in the case of municipal corporations of the sixth class that in the event that the proposed boundaries of such corporation contains both a center of population subdivided into town or other lots delineated upon a map recorded as provided by an act entitled "An act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded and prohibiting the selling or offering for sale of land by reference to said maps unless the same are recorded," approved March 15, 1907, as amended, and an area of ranch land or outside acreage, the said board of supervisors shall include within said proposed boundaries in addition to said subdivided area, only such portion of said area of ranch land or outside acreage, as the owners thereof shall have petitioned to have included within the limits of said proposed corporation. The boundaries so established by the board of supervisors shall be the boundaries of such municipal corporation until by action, authorized by law for the annexation of additional territory to, or the taking of territory from, said municipal corporation, such boundaries shall be changed; *provided*, whenever it shall appear to the board of supervisors that the boundaries of any municipal corporation have been incorrectly described, the board shall direct the county surveyor to ascertain and report a descrip-

tion of the boundaries. The board of supervisors shall, at their first regular meeting after the filing of the report of the county surveyor, cause notice to be published in some newspaper published in the county, that the report will be acted upon at the next regular meeting of the board, and at said meeting the board shall ratify the report of the county surveyor, with such modifications as they shall deem necessary, and the boundaries so established shall be the legal boundaries of said municipal corporation. They shall then give notice of an election to be held in such proposed corporation for the purpose of determining whether the same shall become incorporated, and shall provide for the election of such officers as shall be required in such city of the class to which the same may belong, as hereinafter provided. Such notice shall particularly describe the boundaries so established, and shall state the name of such proposed corporation, and the number of inhabitants so ascertained to reside therein, and the same shall be published for at least two weeks prior to such election, in a newspaper printed and published within such boundaries, or posted for the same period in at least four public places therein. Such notice shall require the voters to cast ballots, which shall contain the words "For incorporation," or "Against incorporation," or words equivalent thereto, and also the names of persons voted for to fill the various elective municipal offices prescribed by law for municipal corporations of the class to which such proposed corporation will belong.

SEC. 2. Section three of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, as amended, is hereby amended to read as follows:

Sec. 3. Such elections shall be conducted in accordance with the general election laws of the state, excepting as to nomination of officers which shall be done in accordance with the law applicable to the nomination of officers of cities of the class to which the same shall be found to belong, and no person shall be entitled to vote thereat unless he shall be a qualified elector of the county, enrolled upon the great register thereof, and shall have resided within the limits of such proposed corporation for at least thirty days next preceding such election. The board of supervisors shall meet on the Monday next succeeding such election, and proceed to canvass the votes cast thereat; and if, upon such canvass, it appears that the majority of the votes cast are for the incorporation, the board shall, by an order entered upon their minutes, declare such territory duly incorporated as a municipal corporation of the class to which the same shall belong, under the name and style of the city (or town, as the case may be) of _____ (naming it), and shall declare the persons receiving, respectively, the highest number of votes for such several offices to be duly elected to such offices. Said board shall cause a copy of such order, duly certified, to be filed in the office of the secretary of state, and from and

after the date of such filing, such incorporation shall be deemed complete, and such officers shall be entitled to enter immediately upon the duties of their respective offices, upon qualifying in accordance with law, and shall hold such offices respectively only until the next general municipal election to be held in such city or town, or for such term as shall be hereinafter provided for officers of cities of the class to which the same may belong, and until their successors are elected and qualified; and it shall not be necessary in any action, civil or criminal, to plead and prove the organization or existence of such corporation, and the courts shall take judicial cognizance thereof without proof.

Stats. 1883,
p. 251,
amended

SEC. 3. Section seven hundred fifty-six of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, as amended, is hereby amended to read as follows:

Election
regulations.

Sec. 756. All elections in such city shall be held in accordance with the general election laws of the state, applicable to cities of the fifth class, and no person shall be entitled to vote at such election unless he shall be a qualified elector of the county, enrolled upon the great register thereof, and shall have resided in such city for at least thirty days next preceding such election.

Stats. 1921,
p. 632,
amended.

SEC. 4. Section eight hundred fifty-six of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, as amended, is hereby amended to read as follows:

Election
regulations.

Sec. 856. All elections in such city or town shall be held in accordance with the general election laws of the state, applicable to cities of the sixth class, and no person shall be entitled to vote at such election unless he shall be a qualified elector of the county, enrolled upon the great register thereof, and shall have resided in such city for at least thirty days next preceding such election.

CHAPTER 56.

An act to amend sections two, three, four, nine, eleven, thirteen, sixteen, seventeen and eighteen of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places and sidewalks, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds," approved April 7, 1911, as amended.

[Approved April 30, 1923.]

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

Stats 1911,
p. 732,
amended.

SECTION 1. Section two of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys,

courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places and sidewalks, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds," approved April 7, 1911, as amended, is hereby amended to read as follows:

Sec. 2. Whenever in the opinion of the city council the public interest or convenience may require, it is hereby authorized and empowered to order the whole or any portion or portions, either in length or in width, of any one or more of the streets, avenues, lanes, alleys, courts, places, public ways of any such city, or property, or rights of way owned by any city, to be improved by or to have constructed therein either singly or in any combination thereof, any of the following, namely:

(a) The grading or regrading, the paving or repaving, the planking or replanking, the macadamizing or remacadamizing, the graveling or regravelling, the oiling or recoiling, thereof.

(b) The construction or reconstruction of sidewalks, crosswalks, steps, parks and parkways, culverts, bridges, curbs, gutters, tunnels, subways or viaducts; Sidewalks.

(c) Sanitary sewers or instrumentalities of sanitation, together with the necessary outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, disposal plants, connecting sewers, ditches, drains, conduits, tunnels, channels or other appurtenances. Sewers.

(d) Drains, tunnels, sewers, conduits, culverts and channels for drainage purposes; with necessary outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, disposal plants, connecting sewers, ditches, drains, conduits, channels and appurtenances.

(e) Poles, posts, wires, pipes, conduits, tunnels, lamps and other suitable or necessary appliances for the purpose of lighting said streets, avenues, lanes, alleys, courts, places or public ways of any such city or property or rights of way owned by any such city. Street lighting.

(f) Pipes, hydrants and appliances for fire protection.

(g) Breakwaters, levees, bulkheads and walls of rock or other material to protect the streets, avenues, lanes, alleys, courts, places, public ways and other property in any such city, from overflow by water. Levees.

(h) Wells, pumps, dams, reservoirs, storage tanks, channels, tunnels, conduits, pipes, hydrants, meters or other appurtenances for supplying or distributing a domestic water supply. Water supply.

(i) Retaining walls, embankments and other structures necessary or suitable in connection with any of the work mentioned in this section.

(j) All other work which may be deemed necessary to improve the whole or any portion of such streets, avenues, Other work.

lanes, alleys, courts, places, public ways or property or rights of way owned by such city.

(k) All other work auxiliary to any of the above, which may be required to carry out the same.

Stats. 1921,
p. 310,
amended.

SEC. 2. Section three of the said act, approved April 7, 1911, as amended, is hereby amended to read as follows:

Resolution
of intention
to improve.

SEC. 3. Before ordering any work done or improvement made which is authorized by this act, the city council shall pass a resolution of intention to do so, referring to the street by its lawful or official name, or the name by which it is commonly known; when the work is not upon a public street or public way, then by briefly describing the property or right of way on which same is to be constructed, and briefly describing the work. The said resolution of intention shall be sufficient if it states in general terms the class or kinds of work contemplated such as grading, paving, sewerage or other work or improvements, and gives in general the location of the proposed improvement and refers to plans, profiles, detailed drawings and specifications or such of them as may be suitable or proper for the full and detailed description of the said proposed work or improvement. Said resolution shall contain also a notice of the day, hour and place when and where any and all persons having any objections to the proposed work or improvement may appear before the legislative body and show cause why said proposed improvement should not be carried out in accordance with said resolution; said time shall not be less than fifteen nor more than forty days from the date of the passage of said resolution. The city clerk shall cause said resolution of intention to be published twice in one or more daily newspapers published and circulated in said city: *provided*, if there be no daily newspaper, then the publication shall be made in one or more newspapers published and circulated therein less than six days a week, and said publication shall be had twice therein. If no newspaper be published in said city, then the publication shall be made twice in some newspaper published in the county in which said city is located. The city council may include in one proceeding, under one resolution of intention and in one contract, any of the different kinds of work mentioned in this act on any number of streets, properties and rights of way or portions thereof, contiguous or otherwise, and it may except therefrom any of said work already done. The lots and portions of lots fronting upon said excepted work already done shall not be included in the assessment for the class of work from which the exception is made.

Publication.

Grade.

The grade to which any work shall be done or improvement made shall be such as may be shown on the plans or profiles therefor or it may be done on such a grade as may have been formally established by the city council. If any official grade has already been adopted or established for any of the streets, avenues, or other places or property proposed to be improved, it shall be lawful for the resolution of intention to provide that said work shall be done to new grades or grades different

from those so established or adopted, and shall refer to plans, profiles or specifications for the description of the grade at which the work is to be done. Any property owner whose property is to be assessed to pay the costs and expenses of the proposed improvement may at the time fixed in the resolution of intention for hearing of objections to the proposed work and improvement, appear before the city council and make objection to the proposed grade or proposed modification of grade. A failure to make objection at such time shall be deemed to be a waiver of all objections to the proposed grade or proposed change or modification of grade and shall operate as a bar to any claim for damages or any subsequent action looking to the prevention of the work or the recovery of damages on account of the performance of the work to such grade or changed grade. The provisions of this section relative to grades are alternative and shall not repeal other provisions of this act or other statutes relative to change of grade.

Objections.

Sec. 3. Section four of said act approved April 7, 1911, as amended, is hereby amended to read as follows:

Stats. 1921,
p. 221,
amended.

Sec. 4. Whenever the contemplated work or improvement, in the opinion of the city council, is of more than local or ordinary public benefit, or whenever, according to estimate to be furnished by the city engineer, the total estimated costs and expenses thereof would exceed one-half the total assessed value of the lots and lands assessed, if assessed upon the lots or land fronting upon said proposed work or improvement, according to the valuation fixed by the last assessment roll whereon it was assessed for taxes for municipal purposes, and allowing a reasonable depth from such frontage for lots or lands assessed in bulk, the city council may make the expense of such work or improvement chargeable upon a district, which the said city council shall, in its resolution of intention, declare to be the district benefited by said work or improvement, and to be assessed to pay the cost and expense thereof. Such district may be described by stating the exterior boundaries thereof, or by giving a description thereof according to any official or recorded map or maps or by referring to a plat or map which shall be on file in the office of the city clerk or city engineer at the time of passing the resolution of intention, which shall indicate by a boundary line the extent of the territory included in the proposed district, which said plat or map shall govern for all details as to the extent of the said assessment district. The said district need not be described in any of the notices or resolutions provided for herein, other than the resolution of intention.

When
improvement
chargeable
to district.

Sec. 4. Section nine of said act approved April 7, 1911, as amended, is hereby amended to read as follows:

Stats. 1911,
p. 735,
amended.

Sec. 9. In all resolutions, notices, orders and determinations, subsequent to the resolution of intention it shall not be necessary to describe the assessment district, and in all of the same, subsequent to the resolution of intention and the notice of improvement, it shall be sufficient to refer to the resolution

Description
by reference.

of intention for a description of the work or improvement, and the assessment district.

Stats. 1915,
p. 1466,
amended.

SEC. 5. Section eleven of said act approved April 7, 1911, as amended, is hereby amended to read as follows:

Notice of
award of
contract
posted.

SEC. 11. Notice of such award of contract shall be published by the city clerk twice in a daily, semiweekly, or weekly newspaper published and circulated in said city and if no newspaper be published in said city, then in some newspaper published in the county and circulated in said city.

Stats. 1911,
p. 736,
amended.

SEC. 6. Section thirteen of said act, approved April 7, 1911, as amended, is hereby amended to read as follows:

Readvert-
ising
for bids.

SEC. 13. But if such original bidder neglects, fails or refuses, for twenty-five days after the first publication of the notice of award, to enter into the contract, then the city council, without further proceedings, shall again advertise for and receive proposals or bids, as in the first instance, and award the contract for said work to the then lowest regular bidder. Should no bids be received in response to this second call for proposals, the council may again advertise for and receive bids under the same proceedings at any time within six months from the time set for the first reception of bids, and let the contract to the then lowest bidder, and such delay shall in no way affect the validity of any of the proceedings or assessments levied thereunder. The bids of all persons and the election of all owners, as aforesaid, who have failed to enter into the contract, as herein provided, shall be rejected in any bidding or election subsequent to the first for the same work.

Stats. 1911,
p. 737,
amended.

SEC. 7. Section sixteen of said act, approved April 7, 1911, as amended, is hereby amended to read as follows:

Protesting
erroneous
proceedings.

SEC. 16. At any time within ten days from the date of the first publication of the notice of award of contract, any owner of, or other persons having any interest in any lot or land liable to assessment, who claims that any of the previous acts or proceedings, relating to said improvement are irregular, defective, erroneous or faulty, may file with the clerk of the city council a written notice specifying in what respect said acts and proceedings are irregular, defective, erroneous or faulty. Said notice shall state that it is made in pursuance of this section. All objections to any act or proceeding occurring prior to the time within which such objections are permitted to be filed in relation to said improvement, not made in writing and in the manner and at the time aforesaid, shall be waived, provided the resolution of intention to do the work has been actually published, as provided in this act.

Stats. 1921,
p. 548,
amended.

SEC. 8. Section seventeen of said act approved April 7, 1911, as amended, is hereby amended to read as follows:

Advance of
incidental
expenses.

SEC. 17. Before being entitled to a contract, the bidder to whom the award was made, or the owners who have elected to take the contract, must advance to the superintendent of streets, for payment by him, the cost of publication of the notices, resolutions, orders and matters required under the proceedings prescribed in this act, and of such other notices as

may be deemed requisite by the city council, together with all other incidental expenses incurred up to the time of entering into the contract. And in case the work is abandoned by the city, the incidental expenses incurred previous to such abandonment shall be paid out of the city treasury.

SEC. 9. Section eighteen of said act approved April 7, 1911, as amended, is hereby amended to read as follows:

Stats. 1921,
p. 217,
amended.

SEC. 18. The superintendent of streets is hereby authorized in his official capacity, to make all written contracts, and to receive all bonds authorized by this act, and to do any other act, either express or implied, that pertains to the street department under this act; and he shall fix the time for the commencement, which shall not be more than fifteen days from the date of the contract, and for the completion of the work under all contracts entered into by him, which work shall be prosecuted with diligence from day to day thereafter to completion; and he may extend the time so fixed from time to time, under the direction of the city council. All applications for such extensions of time, if in writing, must be filed in the office of the city clerk before the expiration of the original time fixed in the contract, or of the time granted by extension, as the case may be. An extension of time may be granted by the council after the expiration of the time originally fixed in the contract or extended as herein provided, and the extension so granted shall be deemed to commence and be effective from the date of such expiration. Any such extension of time shall not release the sureties upon any bond required under this act. The work must, in all cases, be done under the direction and to the satisfaction of the superintendent of streets and the materials used shall comply with the specifications and be to the satisfaction of said superintendent of streets and all contracts made therefor must contain a provision to that effect; *provided, however*, that if the city council by resolution adopted within ten days after the passage of the resolution ordering the work so directs the work shall be done under the direction of the city engineer and the materials used shall comply with the specifications and be to the satisfaction of said engineer, instead of said superintendent of streets, and in such case the contract shall contain a provision to that effect; *and provided, further*, that the city council may by resolution adopted within said ten days provide and direct that the assessment thereafter to be made in the proceeding shall be made and signed by the city engineer instead of by the superintendent of streets. Said contract shall contain also express notice that, in no case, except where it is otherwise provided by law or the city charter will the city, or any officer thereof, be liable for any portion of the expense, nor for any delinquency of persons or property assessed. The city council may, by ordinance, prescribe general rules directing the superintendent of streets (or the city engineer, in the cases herein provided) and the contractor as to the materials to be used, and the mode of executing the work, under all contracts thereafter made. The assessment and apportionment of the expenses of

Conditions
in contract.

all such work or improvement shall be made by the superintendent of streets or the city engineer, in the cases herein provided in the mode provided by this act.

CHAPTER 57.

An act to amend sections eleven and twelve and one-quarter of an act entitled "An act to provide for work upon streets, lanes, alleys, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, as amended.

[Approved April 30, 1923.]

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

Stats. 1885,
p. 150,
amended.

SECTION 1. Section eleven of an act entitled "An act to provide for work upon streets, lanes, alleys, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, as amended, is hereby amended to read as follows:

Objections to
assessment.

Sec. 11. The owners, whether named in the assessment or not, the contractor or his assigns, and all other persons directly interested in any work provided for in this act, or in the assessment, feeling aggrieved by any act, or determination of the superintendent of streets in relation thereto, or who claim that the work has not been performed according to the contract in a good and substantial manner, or having or making any objection to the correctness or legality of the assessment or other act, determination, or proceedings of the superintendent of streets, shall, within thirty days after the date of the warrant, appeal to the city council, as provided in this section, by briefly stating their objections in writing and filing the same with the clerk of the said city council.

Notice of
hearing.

Notice of the time and place of the hearing, briefly referring to the work contracted to be done, or other subject of appeal, and to the acts, determinations or proceedings objected to or complained of, shall be published for five days. Upon such appeal, the said city council may remedy and correct any error or informality in the proceedings, and revise and correct any of the acts or determinations of the superintendent of streets relative to said work, may confirm, amend, set aside, alter, modify or correct the assessment in such manner as to them shall seem just, and require the work to be completed according to the directions of the city council, and may instruct and direct the superintendent of streets to correct the warrant, assessment or diagram in any particular, or to make and issue a new warrant, assessment and diagram, to conform to the decisions of said city council in relation thereto, at their option. All the decisions and determinations of said city council upon notice and hearing as aforesaid, shall be final and conclusive upon all persons entitled to appeal under the provisions of this section, as to all errors, informali-

Action of
council.

Decisions
conclusive.

ties, and irregularities, which said city council might have remedied and avoided during the progress of the proceedings or which it can at that time remedy. No assessment, warrant, diagram or affidavit of demand and nonpayment after the issue of the same and no proceedings prior to the assessment shall be held invalid by any court for any error, informality or other defect in the same where the resolution of intention of the city council to order the work to be done, for which the assessment is made has been actually published in any newspaper of said city for the length of time prescribed by law.

Sec. 2. Section twelve and one-quarter of said act approved March 18, 1885, as amended, is hereby amended to read as follows:

Stats. 1913,
p. 409,
amended.

Sec. 12½. Whenever any assessment heretofore issued or which may be hereafter issued is or shall be void, or unenforceable, for any cause, or if bonds shall have been, or shall be, issued to represent any assessments and such issuance shall not have been, or shall not be effective through the curative provisions thereof to make them valid and enforceable, then, in any of such events a reassessment therefor may be issued. The true intent and meaning of this section is to make the cost and expense of work or improvement made through an attempted compliance with this act, payable by the real estate benefited by such work or improvement by making a reassessment therefor.

New assessments and bonds, when old have been declared invalid.

Such power of reassessing embraces both a full and a partial reassessment, and is not exhausted by a single attempted exercise thereof.

A reassessment shall be ordered under any one of three circumstances:

First—Where the owner or holder of any assessments, or of bonds issued under the provisions of the act entitled "An act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvements within municipalities, and also for the payment of such bonds," approved February 27, 1893, to represent assessments requests the legislative body of the city in which the assessment has been or shall be issued to order a reassessment. In such event if said legislative body be of the opinion that the assessments or bonds in question are not enforceable, it shall order the making and issuing of a reassessment covering only the assessments owned or held by the petitioner, or the assessments represented by the bonds owned or held by such petitioner.

Legislative body of city may set aside assessment.

Second—Whenever any court of competent jurisdiction in any suit to foreclose the lien of any assessment or to enforce the obligation of any bond issued to represent any assessments issued under this act, has for any reason held such lien unenforceable, then it shall in and by its decree direct the making of a reassessment to cover the assessments involved in such suit.

Court may order reassessment.

Third—Whenever any court of competent jurisdiction in any suit to set aside the lien of any assessment or of any bond representing any assessment, or in any suit to quiet title against

the lien of any such assessment, or bond, shall in its judgment decree such assessments or bonds to be void, or unenforceable, then it shall in and by its decree direct the making of a reassessment to cover the assessments involved in such suit.

The manner of making, issuing and enforcing the reassessments shall be as follows:

The superintendent of streets shall, upon entering of a decree of court directing a reassessment or upon the making of an order by the legislative body of the city directing a reassessment, proceed to make a reassessment, in the following manner:

If the reassessment be a partial one only, then it shall not be necessary for the diagram to show any other lots than the ones covered by such partial reassessment. If it be a full reassessment, however, then it shall be upon the lots fronting on said work if the original assessment was one made on the front foot plan; if the original assessment was made against a district, then the superintendent of streets shall prepare and file with the reassessment a diagram showing the lots, pieces or parcels of land deemed by him to have been benefited by the work or improvement. The reassessment shall assess upon and against each of the lots, pieces, or parcels of land contained therein an amount arrived at as follows: The benefits derived, or to be derived by each of the said lots, pieces or parcels of land from the work or improvement estimated as of the date of the original assessment shall first be listed. Then there shall be added thereto interest thereon from thirty days after the date of recording the original assessment at the rate of seven per cent (7%) per annum, and the total sum shall constitute and be the amount of the proposed several assessments in such reassessment. The total of such reassessment, however, exclusive of interest, shall not exceed the cost of the work or improvement. Such assessment need not be in any prescribed form, but shall refer to the original assessment, give the date of the original assessment and state that it is made pursuant to the order of the legislative body of the city or decree of the court, as the case may be, and shall be accompanied by a diagram showing the lots to be reassessed and their relation to the work. It shall then be presented to the legislative body, which shall fix a time for hearing before it. Such time must be at least twenty days after the reassessment is so presented. The city clerk shall then advertise the time of such hearing before the legislative body by publishing a notice in the newspaper in which the notice of award of contract for the improvement for which the assessment was made, was published unless the legislative body directs publication in some other newspaper. If the reassessment is to be against certain specified lots only, this fact, together with an enumeration of the lots shall be stated in the notice. If the reassessment is to be against the lots fronting upon the improvement, this fact shall be stated in the notice. If the reassessment is to be against the property in a district then this fact shall be stated in the notice and a description of the district shall be set forth and the assessment diagram referred to for all particulars.

Manner of making reassessment.

Time and notice of hearing.

Such notice shall be published for five insertions, if the paper be a daily, or for two insertions if the paper be published less frequently. At the time fixed for said hearing, or at such time or times to which the same may thereafter be adjourned the legislative body shall consider the objections to said reassessment and in its discretion informally direct the revision, correction or modification of such reassessment in such manner as is most equitable to apportion to each lot, piece or parcel of land thereby benefited the amount of the actual benefits derived from said improvement. When such reassessment shall have been revised, or corrected or modified so as to comply with the judgment of said legislative body, then it shall pass a resolution confirming the reassessment. The street superintendent shall thereupon record the reassessment with a certificate at the end thereof by the city clerk, that it is the reassessment approved by the legislative body of the city. He shall also note opposite the several assessments in the original assessment that have been displaced by the reassessment the fact that the reassessment has been made, giving its date, and shall credit upon such reassessment all payments theretofore made upon the original assessment, or upon the bonds issued to represent the same, together with interest on such payment at the rate of seven per cent per annum from and after the date of such payments. Such reassessments shall be collectible and payable in the same manner as an original assessment and shall be enforceable by suit in the same manner provided in this act for enforcing an original assessment, and shall have the same weight in evidence. In the event that bonds issued under the original assessment they shall also issue upon the reassessment for such sum as may be reassessed against the lot, piece or parcel of land covered thereby. When the reassessment is recorded the original assessment shall be canceled by the street superintendent so far as it affects the particular assessments involved. New bonds shall not be issued until the original bonds are delivered up to the city treasurer, who shall cancel the same. The lien of such reassessment shall hold its relative rank as to other special assessment liens as of the date of the original assessment.

Hearing.

Confirmation.

Record.

Payment.

Bonds.

CHAPTER 58.

An act to amend sections twenty-one, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, and twenty-eight of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places and sidewalks, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof and

providing a method for the payment of such bonds," approved April 7, 1911, as amended.

[Approved April 30, 1923.]

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

Stats. 1915,
p. 1467,
amended.

SECTION 1. Section twenty-one of "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places and sidewalks, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds," approved April 7, 1911, as amended, is hereby amended to read as follows:

Assessment
to cover
work.

Sec. 21. After the contractor of any street work has fulfilled his contract to the satisfaction of the street superintendent of said city, or the city engineer, if such power has been delegated to him, as hereinbefore provided, the superintendent or the city engineer, if the power and duty to do so has been delegated to him as hereinbefore provided shall make an assessment to cover the sum due for the work performed and specified in said contract (including all incidental expenses), in conformity with the provisions of the preceding section according to the character of the work done. The assessment shall briefly refer to the contract, the work contracted for and performed, and shall show the amount to be paid therefor, together with all incidental expenses, the amount of each assessment against each lot or portion of a lot, the number of each lot or portion or portions of a lot so assessed, and shall have attached thereto a diagram exhibiting each street or street crossing, lane, alley, place or court, property or rights of way on which any work has been done, showing the relative location of each lot, or portion of lot to the work done, numbered to correspond with the numbers of the assessments. The said assessment shall then be filed with the city clerk.

Notice.

Said clerk shall then give notice of the filing of said assessment and of a time to be therein fixed by said clerk when all persons interested in the work done, or in the assessment will be heard by the city council. Such notice shall be posted for not less than five (5) days on or near the council chamber door, and in addition be published twice in a newspaper published in such city if there be any, the first of which publications shall be not less than fifteen (15) days before the time fixed for such hearing. Such notice shall also be given by mailing a post card to the owner of each lot listed according to the name and address appearing on the last equalized assessment roll for city taxes prior thereto, or as known to the clerk; *provided*, that a failure of the clerk to give such notice by mailing or of the person addressed to receive same shall not affect the jurisdiction of

Personal
notice.

the council to proceed with the hearing noticed. Reference shall therein be made to the resolution of intention and the date of its passage for a description of the work therein mentioned and no other description thereof shall be necessary. The owners, the contractor, or his assigns, and all other persons interested in any work done under this act, or in the assessment, feeling aggrieved by any act or determination of the superintendent of streets, or city engineer in relation thereto, or who claim that the work has not been performed according to the contract in a good and substantial manner, or who claim that any portion of the work for any reason was omitted or illegally included in the contract for the same, or having or making any objection to the correctness of the assessment or diagram or other act, determination or proceedings of the superintendent of streets, or city engineer, shall prior to the day fixed for the hearing upon the assessment, appeal to the city council by briefly stating in writing the grounds of appeal. Upon such appeal, the said city council may remedy and correct any error or informality in the proceedings, and revise and correct any of the acts or determinations of the street superintendent or city engineer, relative to said work: may confirm, amend, alter, modify or correct the assessment or diagram in such manner as to them shall seem just, and require the work to be completed according to the directions of the city council; and may instruct and direct the street superintendent to correct the warrant, assessment, or diagram in any particular. All the decisions and determinations of said city council, upon notice and hearing as aforesaid, shall be final and conclusive upon all persons entitled to appeal under the provisions of this section, as to all errors, informalities, and irregularities which said city council might have avoided, or have remedied, during the progress of the proceedings, or which it can at that time remedy. No assessment, warrant, or diagram, and no proceedings prior to the assessment, shall be held invalid by any court for any error, informality, or other defect in the same, where the resolution of intention of the council to do the work, has been actually published as herein provided. When no appeal is taken or when the orders and determinations of the council upon appeal have been complied with, and the council is satisfied with the correctness of the assessment, thereupon the street superintendent shall attach thereto a warrant bearing the date of said order of said city council.

Protests.

Action of
city council.

Sec. 2. Section twenty-three of said act approved April 7, 1911, as amended, is hereby amended to read as follows:

Stats. 1921,
p. 202,
amended.

Sec. 23. Said warrant, diagram and assessment, shall be recorded in the office of said superintendent of streets. When so recorded the several amounts assessed shall be a lien upon the lands, lots, or portions of lots assessed, respectively, for the period of two years from the date of said recording, unless sooner discharged: such lien shall be subordinate to all special assessment liens previously imposed upon the same property, but it shall have priority over all special assessment liens

Recording
and
delivery of
warrants,
etc.

which may thereafter be created against the said property; and from and after the date of said recording of any warrant, assessment and diagram, all persons shall be deemed to have notice of the contents thereof. After said warrant, assessment and diagram are recorded, the same shall be delivered to the contractor, or his agent, or assigns, on demand, but not until after the payment to the said superintendent of streets of the incidental expenses not previously paid by the contractor, or his assigns; and by virtue of said warrant said contractor, or his agents or assigns, shall be authorized to receive the amount of the several assessments made to cover the sum due for the work specified in such contracts and assessments.

Stats. 1921,
p. 309,
amended.

Collection of
assessments.

SEC. 3. Section twenty-four of said act approved April 7, 1911, as amended, is hereby amended to read as follows:

SEC. 24. The warrant hereinbefore mentioned, shall be and constitute full authority to the contractor, his agents or assigns to collect the said assessments and they shall be free to make demands upon the owners or upon the property by virtue of the said warrant and to demand and receive payment of the same, and give receipt therefor, and they shall, whenever the owner so demands, give a receipt to him, and the street superintendent thereafter, shall upon presentation of such receipt, mark upon the said assessment note of the said payment.

Stats. 1921,
p. 309,
amended.

Contractor's
return.

SEC. 4. Section twenty-five of said act approved April 7, 1911, as amended, is hereby amended to read as follows:

SEC. 25. The warrant shall be returned to the superintendent of streets on or after twenty (20) days after its date, with the written statement of all payments received upon the assessment, signed by the contractor, or his assigns. Thereupon the superintendent of streets shall file the statement so made with the record of the warrant and assessment by attaching it in the same book and immediately following the record of the assessment. Upon such filing the warrant shall be redelivered to the contractor, or his assigns.

Payment to
superintendent
of
streets.

The said superintendent of streets is authorized at any time prior to the filing of the written statement signed by the contractor or his assigns hereinabove mentioned, to receive the amount due upon any assessment list and warrant issued by him, and give a good and sufficient discharge therefor; no such payment so made after suit has been commenced, without the consent of the plaintiff in the action, shall operate as a complete discharge of the lien until the costs in the action shall be paid to the superintendent of streets for the plaintiff; *provided*, that the plaintiff has given notice in writing to the superintendent of streets of the pendency of such suit, and he may release any assessment upon the books of his office upon the payment to him of the amount of the assessment against any lot, with interest. In case any warrant is lost, upon proof of such loss a duplicate can be issued, upon which collections may be made, with the same effect as on the original. After the filing of the written statement of payments as aforesaid, all amounts remaining due thereon shall draw interest at the rate of ten per cent per annum until paid, said

Unpaid
assessments.

interest to be computed from the date of the filing of the contractor's statement.

SEC. 5. Section twenty-six of said act approved April 7, 1911, as amended, is hereby amended to read as follows: Stats. 1911, p. 745, amended.

SEC. 26. No action, suit, or proceeding to set aside, cancel, avoid, annul or correct any assessment or reassessment, or to review any of the proceedings, acts, or determinations therein, or to question the validity of, or to enjoin the collection of the said assessments or reassessments, or to enjoin the issuance of bonds to represent the same, shall be maintained by any person unless such action or actions shall have been commenced within thirty (30) days after the recording of the warrant, diagram and assessment or reassessment, and thereafter all persons shall be barred from any such action or any defense of invalidity of the assessment or of bonds issued thereon or of the reassessment if such be made and of bonds issued thereon. No proceedings taken or had under this act shall ever be held to be invalid on the ground that the street, right of way, public property or any portion thereof, upon which the work or improvement or any part thereof is or was done has not been lawfully dedicated or acquired, provided the same is lawfully dedicated or acquired at any time before judgment is entered in the suit involving such proceeding. Limitation of actions.

SEC. 6. Section twenty-seven of said act approved April 7, 1911, as amended, is hereby amended to read as follows: Stats. 1911, p. 218, amended.

SEC. 27. At any time after the period of thirty-five days from the day of the date of the warrant, the contractor or his assignee may sue, in his own name, the owner of the land, lots or portions of lots, assessed on the day of the date of the recording of the warrant, assessment, and diagram, or any day thereafter during the continuance of the lien of said assessment, and recover the amount of any assessment remaining unpaid, with interest thereon at the rate of ten per cent per annum until paid. And in all cases of recovery under the provisions of this act, where personal demand has been made upon the owner or his agent, but not otherwise, the plaintiff shall recover such sum as the court may fix, in addition to the taxable cost as attorney's fees, but not any percentage upon said recovery. And when suit has been brought, after a personal demand has been made, and refusal to pay such assessment so demanded, the plaintiff shall be entitled to have and recover such attorney's fees as the court may deem reasonable, in addition to all taxable costs, notwithstanding that the suit may be settled or a tender may be made before a recovery in said action, and he may have judgment therefor; *provided*, that if the court finds an unnecessary number of actions have been brought, where the parties are identical, it may allow the costs of one action only. Suit may be brought in the superior court within whose jurisdiction the city is in which said work has been done, and in case any of the assessments are made against lots, portions of lots, or lands, the owners whereof can not, with due diligence, be found, the service of process may Contractor may sue.

Attorney's fees.

Service of process.

Consolidation of actions.	be had in said actions may be had in such manner as is prescribed in the codes and laws of this state. It shall be competent to bring a single action under any such assessment irrespective of the number of lots assessed where the parties defendant are identical, and where separate actions are brought, the same may be consolidated by order of the court. The said warrant, assessment, and diagram, with proof of nonpayment shall be held prima facie evidence of the regularity and correctness of the assessment and of the prior proceedings and acts of the superintendent of streets, and city council upon which said warrant, assessment and diagram are based, and like evidence of the right of the plaintiff to recover in the action.
Evidence.	
Complaint.	In a complaint in any such action it shall be held sufficient to allege briefly that the city council ordered the work, the performance of the work under the contract, the making of the assessment, the issuing of said warrant and the making of said diagram; that an assessment (naming the amount) was levied against that certain lot or parcel of land (describing the same) which, according to the information and belief of the plaintiff, is owned by the defendant; that payment of said assessment has not been made.
Description of lots.	In describing said lot or parcel of land in said complaint it shall be sufficient to refer to the same by its number upon said diagram, provided a certified copy of said warrant, assessment and diagram shall have been previously filed in the office of the recorder of the county or city and county in which the same is situated. It shall be the duty of such recorder to so file any such certified copy presented to him upon payment of the filing fee therefor, which fee is hereby fixed at fifty (50) cents.
Stats. 1921, p. 293, amended.	SEC. 7. Section twenty-eight of said act approved April 7, 1911, as amended, is hereby amended to read as follows:
Reassessments.	Sec. 28. Whenever any assessment heretofore issued or which may be hereafter issued is or shall be void, or unenforceable, for any cause, or if bonds shall have been, or shall be, issued to represent any assessments and such issuance shall not have been, or shall not be effective through the curative provisions in relation thereto, or any curative act that may be passed by the legislature in relation thereto to make them valid and enforceable, then, in any of such events a reassessment therefor may be issued. The true intent and meaning of this section is to make the cost and expense of work or improvement made through an attempted compliance with this act, payable by the real estate benefited by such work or improvement by making a reassessment therefor.
When to be ordered	Such power of reassessing embraces both a full and a partial reassessment, and is not exhausted by a single attempted exercise thereof. A reassessment shall be ordered under any one of three circumstances: <i>First</i> —Where the owner or holder of any assessments, or of bonds issued under this act to represent assessments request

the legislative body of the city in which the assessment has been or shall be issued to order a reassessment. In such event if said legislative body be of the opinion that the assessments or bonds in question are not enforceable, it shall order the making and issuing of a reassessment covering only the assessments owned or held by the petitioner, or the assessments represented by the bonds owned or held by such petitioner.

Second—Whenever any court of competent jurisdiction in any suit to foreclose the lien of any assessment or to enforce the obligation of any bond issued to represent any assessments issued under this act, has for any reason held such lien unenforceable, then it shall in and by its decree direct the making of a reassessment to cover the assessments involved in such suit.

Third—Whenever any court of competent jurisdiction in any suit to set aside the lien of any assessment or of any bond representing any assessment, or in any suit to quiet title against the lien of any such assessment, or bond shall in its judgment decree such assessments or bonds to be void, or unenforceable, then it shall in and by its decree direct the making of a reassessment to cover the assessments involved in such suit.

The manner of making, issuing and enforcing the reassessments shall be as follows:

Manner of making reassessment.

The superintendent of streets shall, upon the entering of a decree of court directing a reassessment or upon the making of an order by the legislative body of the city directing a reassessment, proceed to make a reassessment in the following manner:

If the reassessment be a partial one only, then it shall not be necessary for the diagram to show any other lots than the ones covered by such partial reassessment. If it be a full reassessment, however, then it shall be upon the lots fronting on said work if the original assessment was one made on the front foot plan; if the original assessment was made against a district, then the superintendent of streets shall prepare and file with the reassessment a diagram showing the lots, pieces or parcels of land deemed by him to have been benefited by the work or improvement. The reassessment shall assess upon and against each of the lots, pieces, or parcels of land contained therein an amount arrived at as follows: The benefits derived, or to be derived by each of the said lots, pieces or parcels of land from the work or improvement estimated as of the date of the original assessment shall first be listed. Then there shall be added thereto interest thereon from twenty (20) days after the date of recording the original assessment at the rate of seven per cent (7%) per annum, and the total sum shall constitute and be the amount of the proposed several assessments in such reassessment. The total of such reassessment, however, exclusive of interest, shall not exceed the cost of the work or improvement. Such assessment need not be in any prescribed form, but shall refer to the

Interest.

original assessment, give the date of the original assessment and state that it is made pursuant to the order of the legislative body of the city or decree of the court, as the case may be, and shall be accompanied by a diagram showing the lots to be reassessed and their relation to the work. It shall then be presented to the legislative body, which shall fix a time for hearing before it. Such time must be at least twenty (20) days after the reassessment is so presented. The city clerk shall then advertise the time of such hearing before the legislative body by publishing a notice in the newspaper in which the notice of award of contract for the improvement for which the assessment was made, was published unless the legislative body directs publication in some other paper. If the reassessment is to be against the lots fronting the improvement, this fact shall be stated in the notice. If the reassessment is to be against the property in a district, then this fact shall be stated in the notice and a description of the district shall be set forth and the assessment diagram referred to for particulars. Such notice shall be published for five insertions, if the paper be a daily, or by two insertions if the paper be published less frequently. At the time fixed for said hearing, or at such time or times to which the same may be thereafter adjourned, the legislative body shall consider the objections to said reassessment and in its discretion informally direct the revision, correction or modification of such reassessment in such manner as is most equitable to apportion to each lot, piece or parcel of land thereby benefited the amount of the actual benefits derived from said improvement. When such reassessment shall have been revised, or corrected or modified so as to comply with the judgment of said legislative body, then it shall pass a resolution confirming the reassessment. The street superintendent shall thereupon record the reassessment with a certificate at the end thereof by the city clerk, that it is the reassessment approved by the legislative body of the city. He shall also note opposite the several assessments in the original assessment that have been displaced by the reassessment the fact that the reassessment has been made, giving its date, and shall credit upon such reassessment all payments theretofore made upon the original assessment, or upon the bonds issued to represent the same, together with interest on such payments at the rate of seven per cent (7%) per annum from and after the date of such payments. Such reassessment shall be collectible and payable in the same manner as an original assessment and shall be enforceable by suit in the same manner provided in this act for enforcing an original assessment, and shall have the same weight in evidence. In the event that bonds issued under the original assessment they shall also issue upon the reassessment for such sum as may be reassessed against the lot, piece or parcel of land covered thereby. When the reassessment is recorded the original assessment shall be canceled by the street superintendent so far as it affects the particular assessments involved. New bonds shall not be issued until

Notice of
hearing.

Hearing.

Recording
reassess-
ment.

Collection.

the original bonds are delivered up to the city treasurer, who shall cancel the same. The lien of such reassessment shall hold its relative rank as to other special assessment liens as of the date of the original assessment.

CHAPTER 59.

An act to validate proceedings for the annexation of territory to, incorporation in, and annexation thereof, within municipal corporations.

[Approved April 30, 1923.]

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

SECTION 1. Any territory which purports to have been heretofore annexed to, incorporated in, and included within a municipal corporation under any proceedings taken for that purpose the certified record whereof shall have heretofore been filed by the secretary of state, is hereby declared to be and to have been, since the filing of said record, duly annexed to, incorporated in, and included within such municipal corporation; and all proceedings for the annexation of such territory are hereby validated and declared legal; *provided, however,* that this act shall not operate to legalize an annexation where a majority of the electors of the territory purporting to have been annexed have not voted in favor of such annexation at an election held for that purpose.

Municipal
annexation
proceedings
validated.

CHAPTER 60.

An act to amend section three hundred eighty-four of the Penal Code, relating to fires.

[Approved April 30, 1923.]

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

SECTION 1. Section three hundred eighty-four of the Penal Code is hereby amended to read as follows:

384. Any person who shall wilfully or negligently commit any of the acts hereinafter enumerated in this section shall be guilty of a misdemeanor, and upon conviction thereof be punishable by a fine of not less than fifty nor more than five hundred dollars, or imprisonment in the county jail not less than fifteen days nor more than six months, or both such fine and imprisonment, except that in the case of an offense against subsection five of this section the fine imposed may be not less than ten dollars.

Penalty for
violating act.

1. Setting fire, or causing or procuring fire to be set to any forest, brush or other inflammable vegetation growing on lands not his own, without the permission of the owner of such land; *provided,* that no person shall be convicted under this section who shall have set in good faith and with reasonable care,

Setting fire
without
permission.

a backfire for the purpose of stopping the progress of a fire then actually burning.

Allowing fires to escape.

2. Allowing fires to escape from the control of the persons having charge thereof, or to spread to the lands of any person other than the builder of such fire without using every reasonable and proper precaution to prevent such fire from escaping.

Burning brush without taking precautions.

3. Burning brush, stumps, logs, rubbish, fallen timbers, fallows, grass or stubble, or blasting with dynamite, powder or other explosives, or setting off fireworks, whether on his own land or that of another, without taking every proper and reasonable precaution both before the lighting of said fire and at all times thereafter to prevent the escape thereof; *provided*, that any firewarden may, at his discretion, give a written permit to any person desiring to burn or blast as aforesaid; such permit shall contain such rules and regulations for the building and management of such fires as the state board of forestry may from time to time prescribe; and in any prosecution under this subsection it shall be prima facie evidence that the defendant has taken proper and reasonable precautions to prevent the escape of such fire, when he shall show that he has received such a permit and has complied with all the rules and regulations therein prescribed.

Using engine - without device to prevent sparks.

4. Using any logging locomotive, donkey or threshing engine, or any other engine or boiler, in or near any forest, brush, grass, grain or stubble land, unless he shall prove upon the trial, affirmatively, that such engines or boilers used by him were provided with adequate devices to prevent the escape of fire or sparks from smokestacks, ash pans, fire boxes, or other parts, and that he has used every reasonable precaution to prevent the causing of fire thereby.

Fire extinguishers on harvesters and hay presses.

4a. Harvesting grain or causing grain to be harvested by means of a combined harvester, header, or stationary threshing machine, or baling hay by means of a hay press, unless he shall keep at all times in convenient places upon each said combined harvester, header, or stationary threshing machine, or hay press, fully equipped and ready for immediate use, two suitable chemical fire extinguishers, approved by the underwriters' laboratories, each of the capacity of not less than two and one-half gallons.

Spark arresting device on tractors, etc

4b. Operating or causing to be operated any gas tractor, oil-burning engine, gas-propelled harvesting machine or auto truck in harvesting or moving grain or hay, or moving said tractor, engine, machine or auto truck in or near any grain or grass lands, unless he shall maintain attached to the exhaust on said gas tractor, oil-burning engine or gas-propelled harvesting machine an effective spark-arresting and burning carbon-arresting device.

Use of engines in woods.

4c. It shall be unlawful during the period between May 15 and October 31 of each year for any person, company or corporation to operate any steam, gas, or electrically equipped donkey or stationary engine used in any woods operation located in any forest or brush land without first clearing away all inflammable material, including snags, from an area of at

least one hundred feet in radius about such engine, and without providing all such steam operated engines, including logging locomotives, with an adequate force pump and not less than two hundred feet of hose of not less than one and one-quarter inches in diameter, and without providing and maintaining at all times for fire fighting purposes only a suitable box equipped with at least seven shovels and three axes at each such engine so operated. It is provided, however, that when two or more such engines are being operated within a distance of three hundred feet from each other, that only one such box equipped as above shall be maintained; *and provided, further*, that the requirements of this section shall not apply to logging operations in the redwood region (*sequoia sempervirens*). Any violation of this act shall be punishable by a fine of not less than fifty dollars nor more than five hundred dollars, or imprisonment in the county jail of the county in which the crime is committed for a period of not less than thirty days nor more than six months, or both such fine and imprisonment.

Penalty.

5. Refusing or failing to render assistance in combating fires at the summons of any firewarden unless prevented by good and sufficient reasons.

Refusing to aid in fighting fires.

6. Leaving a camp fire burning or unextinguished without some person in attendance, or allowing such fire to spread after being built.

Camp fires.

7. The provisions of this section shall not apply to the customary use of fires and of powder blasting in logging operations in the redwood region (*sequoia sempervirens*) nor to the setting of fire on lands within any municipal corporation of the state.

Exceptions.

CHAPTER 61.

An act authorizing counties to improve or assist in the improvement of streets lying in municipalities.

[Approved April 30, 1923.]

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

SECTION 1. The board of supervisors of any county may by a four-fifths vote determine by resolution that the proposed improvement of a street or portion of street within an incorporated city is of general county interest and that county aid should be extended therefor. Such resolution must refer to the street or portion of street, the general nature of the improvement proposed and the nature of the aid to be furnished by the county and the fund from which it is to be paid.

Resolution extending county aid.

Thereafter and in accordance with such resolution the county may give aid in one or more of the following ways; viz, it may contribute money, acquire material and deliver the same, furnish engineering services or labor, or loan its road building machinery. The expense of such aid may be paid from the general fund, the general road fund or the

How extended

fund composed of moneys received from the state pursuant to the vehicle act.

All moneys, materials and other aid so received by the city must be used by it in the improvement described in the resolution and any portion thereof not used shall be returned to the county.

Resolution
declaring
street part
of county
highway.

SEC. 2. The board of supervisors of any county in the state may by resolution adopted by a four-fifths vote declare any highway in the county, whether lying in whole or in part within an incorporated city, to be a part of the county system of highways. A copy of such resolution shall be forwarded to the governing body of the municipality within which the highway lies. Such governing body may consent to the establishment of such portion of such highway as lines within the limits of the city as a part of the county system of highways and upon the taking effect of an ordinance containing such consent such portion of such highway shall become and be a part of the county system of highways and shall thereafter be considered with respect to its construction, maintenance and repair a county highway and not a city street. Thereafter the board of supervisors of the county may improve such highway and maintain the same as other county highways are improved and maintained, and pay therefor out of the general fund, general road fund or fund composed of moneys received from the state pursuant to the terms of the vehicle act. *Provided, however,* that nothing herein contained shall be construed as limiting in any manner the police power of any municipality with reference to any such street or portion of street, improved under the provisions of this act.

Discontinuing
street
as part
of county
highway.

SEC. 3. The board of supervisors of any county may at any time after all or a portion of a city street becomes a part of a county system of highways, as in this act provided, adopt a resolution declaring that such street or any portion thereof is no longer a part of such county system. Ten days after the filing of such resolution with the clerk of the city within which the street lies, such street, or the portion thereof described in the resolution, shall cease to be a part of the county system of highways.

CHAPTER 62.

An act to amend section eleven of an act entitled "An act to regulate the use of water which is subject to such control by the State of California, and in that behalf creating a state water commission; specifying and providing for the appointment of the members of said commission; fixing the terms of office and compensation of the members of said commission; fixing the power, duties and authority of said commission and its members; providing for the filling of vacancies in the membership of said commission; providing for the removal from office of the appointed members of said commission; providing for the cooperation of courts

with said commission; providing that certain courts shall take judicial notice of certain acts of the state water commission; specifying the duties of all persons summoned as witnesses before said commission or any of its members; appropriating money for carrying out the provisions of this act; providing for the payment of the indebtedness and expenses of said commission, its members and employees; declaring what water is unappropriated; providing for the utilization of water and the works necessary to such utilization to the full capacity of streams or of such portion or portions of such capacity as the public good may require, declaring what water may be appropriated; declaring that the nonapplication for ten consecutive years of any portion of the waters of any stream to lands riparian to such stream shall be conclusive presumption that the use of such nonapplied water is not needed on said riparian lands for a useful or beneficial purpose; declaring that such nonapplied water shall be deemed to be in the use of the state and subject to appropriation; declaring the duties of those who desire to appropriate water; declaring the periods for which water may be appropriated and the conditions under which water may be appropriated; providing for the payment of fees and charges by the applicants for permission to appropriate water and by the appropriators of water; providing for the ascertainment and adjudication of water rights; providing for the bringing of actions by certain persons, or, upon the direction of the state water commission, by the attorney general, for the quieting of title to water rights; specifying certain duties of the claimants, possessors or users of water or water rights; declaring water rights forfeited under certain conditions; regulating the appropriation of water; excepting cities, cities and counties, municipal water districts, irrigation districts and lighting districts from certain provisions of this act; defining certain words and terms used in this act; repealing all acts or parts of this act which may not be declared unconstitutional," approved June 16, 1913, as amended, relating to riparian lands under lease.

[Approved April 30, 1923.]

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

SECTION 1. Section eleven of the act entitled "An act to regulate the use of water which is subject to such control by the State of California, and in that behalf creating a state water commission; specifying and providing for the appointment of the members of said commission; fixing the terms of office and compensation of the members of said commission; fixing the powers, duties and authority of said commission and its members; providing for the filling of vacancies in the membership of said commission; providing for the removal from office of the appointed members of

Stats. 1919,
p 513,
amended.

said commission; providing for the cooperation of courts with said commission; providing that certain courts shall take judicial notice of certain acts of the state water commission; specifying the duties of all persons summoned as witnesses before said commission or any of its members; appropriating money for carrying out the provisions of this act; providing for the payment of the indebtedness and expenses of said commission, its members and employees; declaring what water is unappropriated; providing for the utilization of water and the works necessary to such utilization to the full capacity of streams or of such portion or portions of such capacity as the public good may require, declaring what water may be appropriated; declaring that the nonapplication for ten consecutive years of any portion of the waters of any stream to lands riparian to such stream shall be conclusive presumption that the use of such nonapplied water is not needed on said riparian lands for a useful or beneficial purpose; declaring that such nonapplied water shall be deemed to be in the use of the state and subject to appropriation; declaring the duties of those who desire to appropriate water; declaring the periods for which water may be appropriated and the conditions under which water may be appropriated; and providing for the payment of fees and charges by the applicants for permission to appropriate water and by the appropriators of water; providing for the ascertainment and adjudication of water rights; providing for the bringing of actions by certain persons, or, upon the direction of the state water commission, by the attorney general, for the quieting of title to water rights; specifying certain duties of the claimants, possessors or users of water or water rights; declaring water rights forfeited under certain conditions; regulating the appropriation of water; excepting cities, cities and counties, municipal water districts, irrigation districts and lighting districts from certain provisions of this act; and defining certain words and terms used in this act; repealing all acts or parts of this act which may not be declared unconstitutional," approved June 16, 1913, as amended, is hereby amended to read as follows:

Water de-
clared unap-
propriated.

Sec. 11. All water or the use of water which has never been appropriated, or which has been heretofore appropriated and which has not been in process, from the date of the initial act of appropriation, of being put, with due diligence in proportion to the magnitude of the work necessary properly to utilize for the purpose of such appropriation such water or the use of water, or which has not been put, or which has ceased to be put to some useful or beneficial purpose, or which may hereafter be appropriated and ceased to be put, to the useful or beneficial purpose for which it was appropriated, or which in the future may be appropriated and not be, in the process of being put, from the date of the initial act of appropriation, to the useful or beneficial purpose for which it was appropriated, with due diligence in proportion to the magni-

tude of the work necessary properly to utilize for the purpose of such appropriation such water or the use of water, is hereby declared to be unappropriated. And all waters flowing in any river, stream, canyon, ravine or other natural channel, excepting so far as such waters have been or are being applied to useful and beneficial purposes upon, or in so far as such waters are or may be reasonably needed for useful, and beneficial purposes upon lands riparian thereto, or otherwise appropriated, is and are hereby declared to be public waters of the State of California and subject to appropriation in accordance with the provisions of this act. If any portion of the waters of any stream shall not be put to a useful or beneficial purpose to or upon lands riparian to such stream for any continuous period of ten consecutive years after the passage of this act, such nonapplication shall be deemed to be conclusive presumption that the use of such portions of the waters of such stream is not needed upon said riparian lands for any useful or beneficial purpose; and such portion of the waters of any stream so nonapplied, unless otherwise appropriated for a useful and beneficial purpose is hereby declared to be in the use of the state and subject to appropriation in accordance with the provisions of this act; *provided, however*, that where there is pending any action or proceeding to condemn any lands riparian to any stream or any rights, powers or privileges to use the waters of any stream upon lands riparian to such stream or to condemn rights essential to use the waters of any stream which action or proceeding was commenced prior to the sixteenth day of June, 1913, said period of ten consecutive years shall be exclusive of the period of time during which such action or proceeding is pending; *and provided, further*, that where riparian lands were under lease on the thirteenth day of June, 1913, for a continuous term of one year or more thereafter, under the terms of which lease no right was reserved to the lessor sufficient to permit him to put the waters claimed to a useful or beneficial purpose as hereinbefore provided, or sufficient to enable him to secure the putting of the waters claimed to a useful or beneficial purpose as hereinbefore provided, said period of ten consecutive years shall be exclusive of the period of time during which such lease is operative.

In any case where a reservoir or reservoirs have been or shall hereafter under the provisions of this act be constructed or surveyed, laid out and proposed to be constructed for the storage of water for a system, which water is to be used at one or more points under appropriations of water heretofore or hereafter made, which appropriations and rights thereunder are now, or shall hereafter be held and owned by the person or corporation owning such reservoir site or sites and constructing such reservoir or reservoirs, such reservoir or reservoirs and appropriations and rights shall, in the discretion of the state water commission, constitute a single enterprise and unit, and work of constructing such reservoir or

Public
waters.

When action
for condem-
nation is
pending.

Reservoirs
may consti-
tute single
system.

reservoirs, or any of them, or work on any one of such appropriations shall, in the discretion of said commission, be sufficient to maintain and preserve all such applications for appropriations and rights thereunder.

CHAPTER 63.

An act to amend section four thousand three hundred d of the Political Code, relating to constables' and marshals' fees.

[Approved April 30, 1923.]

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

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

Constables'
and mar-
shals' fees.

4300d. Constables and marshals, except as in this title otherwise provided:

For serving summons and complaint, for each defendant served, fifty cents.

For each copy of summons for service, when made by him, twenty-five cents.

For levying writ of attachment or execution, or executing order of arrest or for the delivery of personal property, one dollar.

For serving writ of attachment or execution on any ship, boat, or vessel, three dollars.

For keeping personal property, such sum as the court may order; but no more than three dollars per day shall be allowed for a keeper when necessarily employed.

For taking bond or undertaking, fifty cents.

For copies of writs and other papers, except summons, complaint and subpoenas, per folio, ten cents; *provided*, that when correct copies are furnished him for use, no charge shall be made for such copies.

For serving any writ, notice, or order, except summons, complaint, or subpoenas, for each person served, fifty cents.

For writing and posting each notice of sale of property, twenty-five cents.

For furnishing notice for publication, twenty-five cents.

For serving subpoenas, each witness, including copy, twenty-five cents.

For collecting money on execution, one and one-half per cent.

For executing and delivering certificate of sale, fifty cents.

For executing and delivering constable's deed, one dollar and fifty cents.

For each mile actually traveled within his township in the service of any writ, order or paper, except a warrant of arrest, in going only, per mile, twenty-five cents; *provided*, that in townships which consist in whole or in part of cities of the first and one-half class, the constable or marshal shall receive in lieu of said mileage, his actual traveling expenses going and returning from place of service.

For traveling outside of his township to serve such writ, order, or paper, in going only, fifteen cents; *provided*, that a constable shall not be required to travel outside of his township to serve any civil process, order, or paper. No constructive mileage allowed.

For each mile necessarily traveled within his county in executing a warrant of arrest, both in going and returning from place of arrest, fifteen cents.

For each mile traveled out of his county, both going and returning from place of arrest, five cents; *provided*, that for traveling in the performance of two or more official services at the same time, including the service of civil process or criminal warrants, or transportation of persons charged or convicted of a criminal offense, but one mileage shall be charged.

For executing a search warrant, such fees and mileage as may be allowed for executing warrant of arrest.

For arresting prisoner and bringing him into court, or jail, one dollar.

For summoning a jury, two dollars, including mileage.

For transporting prisoners to and from the county jail, the actual cost of such transportation.

CHAPTER 64.

An act to amend section one thousand two hundred thirty-eight of the Code of Civil Procedure, relative to the right of eminent domain.

[Approved April 30, 1923.]

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

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

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

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

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

3. Any public utility, and public buildings and grounds, for the use of any county, incorporated city, or city and county, village, town, school district, or irrigation district, ponds, lakes, canals, aqueducts, reservoirs, tunnels, flumes, ditches or pipes, lands, water system plants, buildings, rights of any nature in water, and any other character of property necessary for conducting or storing or distributing water for Public utilities, counties, etc.

the use of any county, incorporated city, or city and county, village or town or municipal water district, or the inhabitants thereof, or any state institution, or necessary for the proper development and control of such use of said water, either at the time of the taking of said property, or for the future proper development and control thereof, or for draining any county, incorporated city, or city and county, village or town; raising the banks of streams, removing obstructions therefrom, and widening and deepening or straightening their channels; roads, highways, boulevards, streets and alleys; public mooring places for water craft; public parks, including parks and other places covered by water, and all other public uses for the benefit of any county, incorporated city, or city and county, village or town, or the inhabitants thereof, which may be authorized by the legislature; but the mode of apportioning and collecting the costs of such improvements shall be such as may be provided in the statutes by which the same may be authorized.

Wharves,
bridges,
ferries, etc.

4. Wharves, docks, piers, warehouses, chutes, booms, ferries, bridges, tollroads, byroads, plank and turnpike roads; paths and roads either on the surface, elevated, or depressed, for the use of bicycles, trieycles, motoreycles and other horseless vehicles, steam, electric, and horse railroads, canals, ditches, dams, poundings, flumes, aqueducts and pipes for irrigation, public transportation, supplying mines and farming neighborhoods with water, and draining and reclaiming lands, and for floating logs and lumber on streams not navigable, and water, water rights, canals, ditches, dams, poundings, flumes, aqueducts and pipes for irrigation of lands furnished with water by corporations supplying water to the lands of the stockholders thereof only, and lands with all wells and water therein adjacent to the lands of any municipality or of any corporation, or person supplying water to the public or to any neighborhood or community for domestic use or irrigation.

Roads,
flumes, etc.
for mines.

5. Roads, tunnels, ditches, flumes, pipes, aerial and surface tramways and dumping places for working mines; also outlets, natural or otherwise for the flow, deposit or conduct of tailings or refuse matter from mines; also an occupancy in common by the owners or possessors of different mines of any place for the flow, deposit, or conduct of tailings or refuse matter from their several mines.

Byroads.

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

Telegraph.
Sewerage.

7. Telegraph and telephone lines, systems and plants.
8. Sewerage of any incorporated city, city and county, or of any village or town, whether incorporated or unincorporated, or of any settlement consisting of not less than ten families, or of any buildings belonging to the state, or to any college or university, also the connection of private residences and other buildings, through other property, with the mains of an established sewer system in any such city, city and county, town or village.

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

10. Oil pipe-lines. Pipe-lines.

11. Railroads, roads and flumes for quarrying, logging or lumbering purposes. Railroads.

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

13. Electric power lines, electric heat lines, electric light lines, electric light, heat and power lines, and works or plants, lands, buildings or rights of any character in water, or any other character of property necessary for the generation, transmission or distribution of electricity for the purpose of furnishing or supplying electric light, heat or power to any county, city and county or incorporated city or town, or irrigation district, or the inhabitants thereof, or necessary for the proper development and control of such use of such electricity, either at the time of the taking of said property, or for the future proper development and control thereof. Power lines.

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

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

16. Expositions or fairs in aid of which the granting of public moneys or other things of value has been authorized by the constitution. Fairs.

Gas works,
etc.

17. Works or plants for supplying gas, heat, refrigeration or power to any county, city and county, or incorporated city or town, or irrigation district, or the inhabitants thereof, together with lands, buildings, and all other improvements in or upon which to erect, install, place, maintain, use or operate machinery, appliances, works and plants for the purpose of generating, transmitting and distributing the same and rights of any nature in water, or property of any character necessary for the purpose of generating, transmitting and distributing the same, or necessary for the proper development and control of such use of such gas, heat, refrigeration, or power, either at the time of the taking of said property, or for the future proper development and control thereof.

Trees along
highways.

18. Standing trees and ground necessary for the support and maintenance thereof, along the course of any highway, within a maximum distance of three hundred feet on each side of the center thereof; and ground for the culture and growth of trees along the course of any highway, within a maximum distance of three hundred feet on each side of the center thereof.

CHAPTER 65.

An act to provide for the acceptance by the State of California of the provisions of an act passed by the congress of the United States known as the "Sheppard-Towner" act, and entitled "An act for the promotion of the welfare and hygiene of maternity and infancy and for other purposes," approved November 23, 1921.

[Approved April 30, 1923.]

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

Sheppard-
Towner
maternity
act accepted.

SECTION 1. The people of the State of California, do hereby through their legislative authority accept the provisions and benefits of an act of congress entitled "An act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," approved November 23, 1921. The bureau of child hygiene of the California state board of health is hereby empowered and directed to cooperate with the children's bureau in the administration of said act.

Cooperation
of bureau
of child
hygiene.

SEC. 2. It is hereby made the duty of the bureau of child hygiene of the California state board of health to formulate a plan of cooperation in accordance with the provisions of said act and provide that no official, or agent or representative in carrying out the provisions of this act shall enter any home or take charge of any child over the objection of the parents, or either of them, or the person standing in loco parentis or having custody of said child.

Parent's
control not
limited.

SEC. 3. Nothing in this act shall be construed as limiting the power of a parent or guardian or person standing in loco parentis to determine what treatment or correction shall be provided for a child or the agency or agencies to be employed for such purpose.

CHAPTER 66.

An act to amend section one of an act entitled "An act to provide for the burial of soldiers, sailors and marines in this state who may hereafter die without leaving sufficient means to defray funeral expenses," approved March 15, 1889, as amended.

[Approved April 30, 1923.]

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

SECTION 1. Section one of an act entitled "An act to provide for the burial of soldiers, sailors and marines in this state who may hereafter die without leaving sufficient means to defray funeral expenses," approved March 15, 1889, as amended, is hereby amended to read as follows:

Stats. 1917,
p. 749,
amended.

1. It shall be the duty of the board of supervisors of each county in this state to designate a particular person in the county, who shall be an honorably discharged soldier, sailor or marine, who shall have served in the army or navy of the United States, whose duty it shall be to cause to be decently interred the body of any honorably discharged soldier, sailor or marine who shall have served in the army or navy of the United States, or the widow of any such honorably discharged soldier, sailor or marine, who may hereafter die without having sufficient means to defray funeral expenses. Such burial shall not be made in any cemetery or burial ground, or any portion of such cemetery or burial ground, used exclusively for the burial of the pauper dead. The expenses of each burial shall not exceed the sum of one hundred twenty-five (125) dollars.

Soldiers,
sailors and
marines, and
their widows
may be
buried at
county
expense.

CHAPTER 67.

An act to add a new section to be numbered one a to an act entitled "An act to provide for the care of the graves of soldiers, sailors and marines of the United States of America whose remains are buried in certain cemeteries," approved May 11, 1917, relating to places of interment.

[Approved April 30, 1923.]

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

SECTION 1. A new section is hereby added to an act entitled "An act to provide for the care of the graves of soldiers, sailors and marines of the United States of America whose remains are buried in certain cemeteries," approved May 11, 1917, to be numbered one a, and to read as follows:

Stats. 1917,
p. 422,
amended.

Sec. 1a. Wherever, in any place of burial of human remains there is now maintained by any fraternal or benevolent organization a plot devoted exclusively to the burial of soldiers, sailors or marines of the United States of America, a proper application and showing of need having been made, the board of supervisors of the county in which such place of

Graves in
plots main-
tained by
fraternal and
benevolent
organiza-
tions.

burial is maintained shall have power to keep such plot free from weeds and rubbish, and to keep in decent order and repair and free from defacement, injury and unlawful markings, any tomb, monument, gravestone, wall, or other appurtenance appertaining to such grave.

CHAPTER 68.

An act to recognize and declare valid all proceedings in Owens valley irrigation district.

[Approved April 30, 1923.]

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

Owens
valley
irrigation
district
validated.

SECTION 1. Owens valley irrigation district, situated in the county of Inyo, as formed by the board of supervisors of said county of Inyo, State of California, and as now existing, or as the boundaries may thereafter be modified according to law, is hereby recognized and declared to be a valid irrigation district and all proceedings on organization and formation thereof are hereby approved and declared to be valid.

CHAPTER 69.

An act to amend section four thousand and twenty-two of the Political Code, relating to official bonds of county officers.

[Approved April 30, 1923.]

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

SECTION 1. Section four thousand and twenty-two of the Political Code is hereby amended to read as follows:

Official
bonds of
county
officers.

4022. The board of supervisors of each county shall, on or before the first Monday in September, preceding the election of the following officers, prescribe the amount in which said officers must execute official bonds: Treasurer, county clerk, auditor, sheriff, tax collector, district attorney, recorder, assessor, surveyor, superintendent of schools, public administrator, coroner, justice of the peace, and constable. The judge or judges of the superior court shall, on or before the said first Monday of September prescribe the amount in which each member of the board of supervisors must execute an official bond before entering upon the discharge of the duties of his office. The bonds and sureties of such officers must, before the bonds can be recorded and filed, be approved by the judge or majority of judges, if there be more than one, of the superior court; *provided, however*, that in counties having five or more judges, the approval of three judges will be sufficient. All persons offered as sureties on official bonds may be examined on oath touching their qualifications, and no person can be admitted as surety on any such bond unless he is a resident and freeholder or householder within the state, and is

worth in real or personal property, or both, situate in this state, the amount of his undertaking, over and above all sums for which he is already liable, exclusive of property exempt from execution and forced sale. All official bonds shall be recorded in the office of the county recorder and then filed and kept in the office of the county clerk. The official bond of the county clerk shall, after being recorded, be filed and kept in the office of the county treasurer. The tax collector shall also before qualifying give a bond as license collector in such sum as may be fixed by the board of supervisors, to be approved as provided in this section. The board of supervisors of each county shall require of the sheriff thereof a bond in such amount as may be prescribed by said board in reference to civil matters and shall require an additional bond from the sheriff in such amount as may be prescribed by said board in reference to criminal matters.

Official bonds
of county
officers.

CHAPTER 70.

An act to add chapter two to title five of part three of the Political Code embracing sections two thousand two hundred thirty-six to two thousand two hundred forty-five, both inclusive, and sections two thousand two hundred fifty-one to two thousand two hundred sixty, both inclusive, and to repeal sections two thousand two hundred thirty-seven, two thousand two hundred thirty-eight, two thousand two hundred thirty-nine, two thousand two hundred forty, two thousand two hundred forty-three, two thousand two hundred forty-four, two thousand two hundred fifty-four, two thousand two hundred fifty-five, two thousand two hundred fifty-seven, two thousand two hundred sixty-seven, two thousand two hundred sixty-eight, two thousand two hundred seventy, two thousand two hundred eighty, and two thousand two hundred eighty-two of said code relating to the education of the deaf and the blind.

[Approved May 2, 1923.]

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

SECTION 1. The Political Code is hereby amended by adding a new chapter to title five of part three thereof, to be numbered chapter two, embracing sections two thousand two hundred thirty-six to two thousand two hundred forty-five, both inclusive, and sections two thousand two hundred fifty-one to two thousand two hundred sixty, both inclusive, and to read as follows:

CHAPTER II.

California Schools for the Deaf and the Blind.

- Article I. California School for the Deaf. §§ 2236-2245.
 II. California School for the Blind. §§ 2251-2260.

ARTICLE I.

California School for the Deaf.

- Name.** 2236. The state school for the deaf, located in Berkeley, Alameda county, shall be known and designated as the California School for the Deaf.
- Part of school system.** 2237. The California School for the Deaf is a part of the school system of the state except that it shall derive no revenue from the public school fund, and has for its object the education of the deaf who, by reason of their infirmity, can not be taught in the public schools.
- Who entitled to benefits.** 2238. Every deaf person resident of this state, of suitable age and capacity, is entitled to an education in this school free of charge.
- Non-residents.** 2239. Such persons not residents of this state may be admitted to the benefits of this school upon paying to the state department of education the sum of six hundred dollars each for the school year, payable one hundred fifty dollars quarterly in advance.
- Clothing, transportation and maintenance of pupils.** 2240. If the parent or guardian of any pupil in this school shall be unable to clothe such child, or pay for its transportation to and from the school, the parent or guardian may testify to such inability before a judge of the superior court of the county wherein such parent or guardian of such child is resident, and if the judge is satisfied that the parent or guardian is unable to provide suitable clothing or transportation for the child, he shall issue a certificate to that effect. All moneys expended under the authority of such certificate, as hereinafter provided, shall constitute a legal county charge against the county from which such certificate is issued. Such certificate shall be presented to the principal of said school and it shall be the duty of said principal to clothe said child and provide such transportation, the expense thereof to be advanced by the state department of education out of money appropriated for the support of the school. Upon presentation to the board of supervisors of the county in which such certificate was issued, of an itemized claim, duly sworn to by the principal of the school before an officer authorized to administer oaths, for the expense for clothing and transportation provided and furnished under the authority of said certificate, said board of supervisors shall audit and approve said claim, and the county auditor of said county shall thereupon issue a warrant for the amount thereof payable to said school, and the county treasurer shall pay the same. All pupils in the school shall be maintained, except as hereinbefore provided, at the expense of the state.
- Administration by state department of education.** 2241. The school shall be under the administration of the state department of education as provided by law.
2242. The powers and duties of the state department of education in relation to the California School for the Deaf are as follows:
1. To prescribe rules for the government of the school;

2. To appoint the principal and other officers and employees in accordance with the provisions of section three hundred sixty-two *a* of the Political Code;

3. To remove for cause any officer, teacher or employee;

4. To fix the compensation of officers, teachers and employees.

2243. The principal of the school must have had not less than three years' experience in the art of teaching the deaf and must hold a credential issued by the state board of education authorizing him to teach in secondary schools of California. Principal.

2244. All teachers appointed or employed in the California School for the Deaf must hold credentials of kindergarten, elementary or secondary grade according to the work for which they are employed, such credentials to be granted by the state board of education. Teachers.

2245. The powers and duties of the principal shall be such as are assigned to him by the state director of education. Powers and duties of principal.

ARTICLE II.

- California School for the Blind.

2251. The state school for the blind, located in Berkeley, Alameda county, shall be known and designated as the California School for the Blind. Name.

2252. The California School for the Blind is a part of the school system of the state except that it shall derive no revenue from the public school fund, and has for its object the education of the blind, who, by reason of their infirmity, can not be taught in the public schools. Part of school system.

2253. Every blind person resident of this state, of suitable age and capacity, is entitled to an education in this school free of charge. Who entitled to benefits.

2254. Such persons not residents of this state may be admitted to the benefits of this school upon paying to the state department of education the sum of six hundred dollars each for the school year, payable one hundred fifty dollars quarterly in advance. Non-residents.

2255. If the parent or guardian of any pupil in this school shall be unable to clothe such child, or pay for its transportation to and from the school, the parent or guardian may testify to such inability before a judge of the superior court of the county wherein such parent or guardian of such child is resident, and if the judge is satisfied that the parent or guardian is unable to provide suitable clothing or transportation for the child, he shall issue a certificate to that effect. All moneys expended under the authority of such certificate, as hereinbefore provided, shall constitute a legal county charge against the county from which such certificate is issued. Such certificate shall be presented to the principal of said school and it shall be the duty of said principal to clothe said child and provide such transportation, the expense thereof to be advanced by the state department of education out of money appropriated for the support of the school. Upon presentation to Clothing, transportation and maintenance of pupils.

the board of supervisors of the county in which such certificate was issued, of an itemized claim, duly sworn to by the principal of the school before an officer authorized to administer oaths, for the expense for clothing and transportation provided and furnished under the authority of said certificate, said board of supervisors shall audit and approve said claim, and the county auditor of said county shall thereupon issue a warrant for the amount thereof payable to said school, and the county treasurer shall pay the same. All pupils in the school shall be maintained, except as hereinbefore provided, at the expense of the state.

Administra-
tion by state
department
of education.

2256. The school shall be under the administration of the state department of education as provided by law.

2257. The powers and duties of the state department of education in relation to the California School for the Blind are as follows:

1. To prescribe rules for the government of the school;
2. To appoint the principal and other officers and employees in accordance with the provisions of section three hundred sixty-two *a* of the Political Code;
3. To remove for cause any officer, teacher or employee;
4. To fix the compensation of officers, teachers and employees.

Principal.

2258. The principal of the school must have had not less than three years' experience in the art of teaching the blind and must hold a credential issued by the state board of education authorizing him to teach in secondary schools of California.

Teachers.

2259. All teachers appointed or employed in the California School for the Blind must hold credentials of kindergarten, elementary or secondary grade according to the work for which they are employed, such credentials to be granted by the state board of education.

Powers and
duties of
principal.

2260. The powers and duties of the principal shall be such as are assigned to him by the state director of education.

Repealed.

SEC. 2. Sections two thousand two hundred thirty-seven, two thousand two hundred thirty-eight, two thousand two hundred thirty-nine, two thousand two hundred forty, two thousand two hundred forty-three, two thousand two hundred forty-four, two thousand two hundred fifty-four, two thousand two hundred fifty-five, two thousand two hundred fifty-seven, two thousand two hundred sixty-seven, two thousand two hundred sixty-eight, two thousand two hundred seventy, two thousand two hundred eighty and two thousand two hundred eighty-two of the Political Code are hereby repealed.

CHAPTER 71.

An act to amend section one thousand two hundred sixty-nine a of the Civil Code, relating to petitions for sale or mortgage of homestead where husband or wife is insane.

[Approved May 2, 1923.]

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

SECTION 1. Section one thousand two hundred sixty-nine a of the Civil Code is hereby amended to read as follows:

1269a. In case of a homestead, if either the husband or wife becomes hopelessly insane, the husband or wife not insane may petition the superior court of the county in which such homestead is situated for an order permitting the husband or wife, not insane, to sell and convey, or mortgage, such homestead to raise moneys to satisfy a lien or charge thereon, or to provide for the support and care either of the sane or insane spouse, or of their minor children, or whenever it appears it is for the advantage, benefit and best interests of the spouses, the estate or their dependents. Such petition must be subscribed and sworn to by the applicant, setting forth the name and age of the insane husband or wife, the number, age and sex of the children, if any, of such insane husband or wife, a description of the premises constituting the homestead, the value of the homestead, the county in which it is situated, and such facts, in addition to that of the insanity of the husband or wife, relating to the circumstances and necessities of the applicant and his or her family, as he or she may rely upon in support of the petition.

Petition for sale or mortgage of homestead of insane person.

CHAPTER 72.

An act to amend sections two thousand nine hundred fifty-nine, two thousand nine hundred sixty-five, and two thousand nine hundred sixty-six of the Civil Code, relating to mortgages on personal property.

[Approved May 2, 1923.]

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

SECTION 1. Section two thousand nine hundred fifty-nine of the Civil Code is hereby amended to read as follows:

2959. A mortgage of personal property must be recorded in the office of the county recorder of the county in which the mortgagor resides, if the mortgagor be a resident of this state, and it shall also be recorded in the county in which the property mortgaged is situated or, save in the case of live stock, vehicles (other than motor vehicles) and other migratory chattels, to which it is removed.

Mortgage of personal property, where recorded.

SEC. 2. Section two thousand nine hundred sixty-five of the Civil Code is hereby amended to read as follows:

2965. When personal property mortgaged is thereafter removed from the county in which it is situated, the lien of

Mortgaged personal property, effect of removal.

the mortgage shall not be affected thereby for thirty days after such removal; but, after the expiration of such thirty days, the property mortgaged, save in the case of live stock, vehicles (other than motor vehicles) and other migratory chattels, is exempted from the operation of the mortgage, except as between the parties thereto, until either:

1. The mortgagee causes the mortgage to be recorded in the county to which the property has been removed; or

2. The mortgagee takes possession of the property as prescribed in the next section.

If a mortgage of live stock, vehicles (other than motor vehicles) or other migratory chattels has been recorded as provided in section two thousand nine hundred fifty-nine and within thirty days thereafter a certificate of such record has been filed by the county recorder with the secretary of state as required by sections four hundred eight and four thousand one hundred thirty of the Political Code the property mortgaged may be removed into any county in the state without in any way affecting the lien of the mortgage.

SEC. 3. Section two thousand nine hundred sixty-six of the Civil Code is hereby amended to read as follows:

Mortgagee
may take
possession,
when.

2966. If the mortgagor voluntarily removes or permits the removal of the mortgaged property save in the case of live stock, vehicles (other than motor vehicles) and other migratory chattels from the county in which it was situated at the time it was mortgaged, the mortgagee may take possession and dispose of the property as a pledge for the payment of the debt, though the debt is not due.

CHAPTER 73.

An act to amend section five hundred thirty-eight of the Penal Code, relating to mortgages on personal property.

[Approved May 2, 1923.]

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

SECTION 1. Section five hundred thirty-eight of the Penal Code is hereby amended to read as follows:

Removing
mortgaged
personal
property.

538. Every person, who, after mortgaging any of the property, permitted to be mortgaged by the provisions of section two thousand nine hundred fifty-five of the Civil Code, excepting locomotives, engines, rolling stock of a railroad, steam-boat machinery in actual use, vessels, and live stock, vehicles (other than motor vehicles) and other migratory chattels, during the existence of such mortgage, with intent to defraud the mortgagee, his representative or assigns, takes, drives, carries away, or otherwise removes or permits the taking, driving, or carrying away, or other removal of the mortgaged property, or any part thereof, from the county where it was situate when mortgaged, without the written consent of the mortgagee, or who sells, transfers, or in any manner further

Further
incumbrance
or sale.

encumbers the said mortgaged property, or any part thereof, or causes the same to be sold, transferred, or further encumbered, is guilty of larceny, and is punishable accordingly; unless at or before the time of making such sale, transfer or encumbrance, such mortgagor informs the person to whom such sale, transfer, or encumbrance is made, of the existence of the prior mortgage, and also informs the prior mortgagee of the intended sale, transfer, or encumbrance, in writing, by giving the name and place of residence of the party to whom the sale, transfer or encumbrance is to be made.

CHAPTER 74.

An act to amend sections four hundred eight and four hundred nine, of the Political Code, relating to the secretary of state.

[Approved May 2, 1923.]

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

SECTION 1. Section four hundred eight of the Political Code is hereby amended to read as follows:

408. In addition to the duties prescribed by the constitution, it is the duty of the secretary of state:

Duties of
secretary
of state.

1. To attend at every session of the legislature, for the purpose of receiving bills and resolutions thereof, and to perform such other duties as may be devolved upon him by resolution of the two houses, or either of them;

2. To keep a register of, and attest the official acts of, the governor;

3. To affix the great seal, with his attestation, to commissions, pardons, and other public instruments, to which the official signature of the governor is required;

4. To record in proper books all conveyances made to the state, except conveyances made under the revenue law of lands sold for taxes, and all articles of incorporation filed in his office;

5. To receive and record in proper books the official bonds of all the officers whose bonds are fixed by part three of this code, and then to deliver the original to the state treasurer;

6. To record in a proper book all changes of names certified to him by the county clerks, in the manner in which such record is now made;

7. To take and file in his office receipts for all books distributed by him, and to direct the county clerk of each county to do the same;

8. To certify to the governor the names of those persons who have received at any election the highest number of votes for any office, the incumbent of which is commissioned by the governor, and also to certify and declare the result of any election upon any question submitted to the electors of the state by either initiative or referendum petition, filed in his

Duties of
Secretary of
of State.

office, and to make official declaration of the vote upon each such question;

9. To furnish, on demand, to any person paying the fees therefor, a certified copy of all or any part of any law, record, or other instrument filed, deposited, or recorded in his office;

10. To deliver to the superintendent of state printing, within sixty days after the day on which a general election is held throughout the state, his certificate showing what law or laws or constitutional amendments, proposed by initiative petition and approved by the people, have gone into operation, and the date of going into operation; and the result of any election upon any question submitted to the electors of the state, within two years next preceding, by initiative or referendum petition; and to deliver to the superintendent of state printing, within one hundred days after the final adjournment of each session of the legislature, his certificate showing what acts, or sections, or parts of acts of the legislature are delayed from going into effect by referendum petition properly certified and filed in his office;

11. To keep a fee book, in which must be entered all fees, commissions, and compensation of whatever nature or kind by him earned, collected, or charged, with the date, name of payer, paid or not paid, and the nature of the service in each case, which book must be verified annually by his affidavit entered therein;

12. To file in his office descriptions of seals in use by the different state officers and furnish such officers with new seals whenever required;

13. To perform all other duties required of him by law;

14. To report to the governor at the time prescribed in section three hundred thirty-two, a detailed account of all of his official actions since his previous reports, and accompanying the report with a detailed statement, under oath, of the manner in which all appropriations for his office have been expended.

15. To provide a form of certificate to be used by the county recorders as provided in section four thousand one hundred thirty, in which shall be set out the names of the mortgagor and mortgagee, date of recording, amount secured by such mortgage, with such description of the live stock, vehicles (other than motor vehicles) or other migratory chattels as such mortgage shall contain, the date of record of any assignment of such mortgage, together with the name of the assignee and the date of record of any full or partial discharge of such mortgage setting forth the amount of any partial discharge; to receive and file certificates of recordation, assignment or discharge of mortgages upon live stock, vehicles (other than motor vehicles) or other migratory chattels when transmitted by the county recorders as provided in section four thousand one hundred thirty; to provide and keep two alphabetical indices of such certificates, one of which shall be labeled "mortgagors of migratory personal property," with the pages thereof divided into four columns and headed

respectively "names of mortgagors or assignors," "names of mortgagees or assignees," "when certificate of mortgage filed," "when certificate of discharge filed"; and the other of which shall be labeled "mortgagees of migratory personal property," with the pages divided into four columns headed respectively "names of mortgagees or assignees," "names of mortgagors or assignors," "when certificate of mortgage filed," "when certificate of discharge filed."

SEC. 2. Section four hundred nine of the Political Code is hereby amended to read as follows:

409. The secretary of state, for services performed in his office, must charge and collect the following fees: Fees of secretary of state.

1. For a copy of any law, resolution, record, or other document on file in his office, twenty cents per folio.

2. For comparing a copy of any law, resolution, record, or other document or paper with the original, or the certified copy of the original, on file in his office, five cents per folio.

3. For affixing certificate and seal of state, unless otherwise provided for, two dollars.

4. For filing articles of incorporation, if the capital stock amounts to twenty-five thousand dollars or less, fifteen dollars; if the capital stock amounts to over twenty-five thousand dollars, and not over seventy-five thousand dollars, twenty-five dollars; if the capital stock amounts to over seventy-five thousand dollars and not over two hundred thousand dollars, fifty dollars; if the capital stock amounts to over two hundred thousand dollars and not over five hundred thousand dollars, seventy-five dollars; if the capital stock is over five hundred thousand dollars and not over one million dollars, one hundred dollars; if the capital stock is over one million dollars, fifty dollars additional for every five hundred thousand dollars or fraction thereof of capital stock over and above one million dollars; for filing articles of incorporation without capital stock, except cooperative associations, five dollars; for filing articles of incorporation of cooperative associations formed under the act of 1895, and act supplementary thereto or amendatory thereof, fifteen dollars. Filing articles of incorporation.

5. For recording articles of incorporation, twenty cents per folio.

6. For issuing certificate of incorporation, three dollars.

7. For filing certificate of increase of capital stock, five dollars for every fifty thousand dollars or fraction thereof such increase.

8. For filing certificate of decrease of capital stock, five dollars.

9. For filing notice of removal of principal place of business, five dollars.

10. For filing amended articles of incorporation, unless otherwise provided for, five dollars.

11. For filing certificate of creation of bonded indebtedness, or increase or decrease thereof, five dollars.

12. For issuing certificate of increase or decrease of capital stock, three dollars.

13. For filing certificate of continuance of existence, five dollars.

14. For issuing certificate of continuance of existence, three dollars.

15. For filing claim to trademark, and issuing certificate of filing, five dollars.

16. For issuing certificate of filing of any document, not otherwise provided for, three dollars.

17. For filing certificate of increase or decrease of number of directors, five dollars.

18. For issuing certificate of increase or decrease of number of directors, three dollars.

19. For receiving and recording each official bond, five dollars.

20. For filing notice of appointment of agent, five dollars.

21. For each commission, passport, or other document signed by the governor and attested by the secretary of state (pardons, military commissions, commissions issued to nonsalaried state officers, and extradition papers excepted), five dollars.

22. For each patent for land issued by the governor, if for one hundred and sixty acres or less, one dollar; and for each additional one hundred and sixty acres, or fraction thereof, one dollar.

23. For issuing certificate of official character, two dollars.

24. For recording miscellaneous documents or papers, twenty cents per folio.

25. For filing certified copy of order and decree of court, changing name, or certified copy of order and decree of court, dissolving a corporation, five dollars.

26. For filing and indexing certificate of mortgage or assignment or discharge of mortgage of live stock, vehicles (other than motor vehicles) and other migratory property, fifty cents.

Exceptions.

No member of the legislature or state officer shall be charged for any search relative to matters appertaining to the duties of his office, nor shall he be charged any fee for a certified copy of any law or resolution passed by the legislature relative to his official duties.

Disposition of fees.

All fees collected by the secretary of state must, at least once each week, be paid into the state treasury.

CHAPTER 75.

An act to amend sections four thousand one hundred thirty, four thousand one hundred forty, and four thousand three hundred c, of the Political Code, relating to recorders and fees.

[Approved May 2, 1923.]

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

SECTION 1. Section four thousand one hundred thirty of the Political Code is hereby amended to read as follows:

Duties of recorder.

4130. The recorder must procure such books for records as the business of his office requires, but orders for the same must

first be obtained from the board of supervisors. The books used may contain printed forms of deeds, mortgages, or other instruments of general use. He has the custody of, and must keep all books, records, maps and papers deposited in his office.

Whenever a mortgage is filed in his office purporting to create a lien upon live stock, vehicles (other than motor vehicles) or any other migratory chattels, or when the partial or full discharge or the assignment of such a mortgage appears of record, then it shall be his duty to collect in addition to the recording fee an additional fee of seventy-five cents as provided in section four thousand three hundred c, and thereupon make a certificate over his official signature upon the forms to be provided by the secretary of state as provided in section four hundred eight, and forthwith transmit the same to the secretary of state together with fifty cents of such additional fee so collected.

Mortgages on migratory chattels.

SEC. 2. Section four thousand one hundred forty of the Political Code is hereby amended to read as follows:

4140. If any recorder to whom an instrument, proved or acknowledged according to law, or any paper or notice which may by law be recorded, is delivered for record:

Penalty for neglect or misconduct.

1. Neglects or refuses to record such instrument, paper, or notice within a reasonable time after receiving the same;

2. Records any instrument, paper, or notice, willfully or negligently, untruly, or in any other manner than is hereinbefore directed;

3. Neglects or refuses to keep in his office such indices as are required by this article, or to make the proper entries therein; or,

4. Alters, changes, or obliterates any records deposited in his office, or inserts any new matter therein; or,

5. Neglects or refuses to make or transmit the certificate or mortgage or assignment or discharge of mortgage provided for in section four thousand one hundred thirty, he is liable to the party aggrieved for three times the amount of the damages which may be occasioned thereby.

SEC. 3. Section four thousand three hundred c of the Political Code is hereby amended to read as follows:

4300c. For recording every instrument, paper, or notice required by law to be recorded, per folio, ten cents.

Recorder's fees.

For indexing every instrument, paper, or notice, for each name, ten cents.

For filing every instrument for record, and making the necessary entries thereon, twenty cents.

For each certificate under seal, twenty-five cents.

For any copy of any record or paper on file in the office of the county recorder, when such copy is made by him, per folio, ten cents.

For examining and certifying to a copy of any record or paper on file in the recorder's office when such copy is prepared by another, three cents per folio for comparing such copy with the original.

Recorder's
fees.

For every entry of discharge, credit, or release on the margin of record, and indexing same, twenty-five cents.

For searching the records of his office, for each year, fifty cents.

For abstract of title, for each conveyance or encumbrance, twenty-five cents.

For recording each map or plat where the same is copied in a book of record, for each course, ten cents.

For recording or filing each map wherein land is subdivided in lots, tracts or parcels, five dollars.

For recording each map wherein corners, points or lines are located, one dollar.

For filing building contracts, plans and specifications, one dollar.

For figures or letters on maps or plats, per folio, ten cents; *provided*, that the fees for recording any map shall not exceed fifty dollars.

For taking acknowledgment of any instrument, fifty cents.

For recording marriage license, and certificate, to be paid by the county clerk, one dollar.

For recording transcript and all services in estray cases, one dollar.

For recording each mark or brand, fifty cents.

For administering each oath or affirmation, and certifying the same, twenty-five cents.

For filing, indexing, and keeping each paper not required by law to be recorded, twenty-five cents; *provided, however*, no charge or fee shall be made for recording or indexing any discharge of a soldier, sailor or marine discharged from the army or navy of the United States or for issuing certified copies thereof.

For preparing and transmitting to the secretary of state certificate of mortgage, assignment, or full or partial discharge of mortgage of live stock, vehicles (other than motor vehicles) or other migratory chattels as provided in section four thousand one hundred thirty; seventy-five cents, fifty cents of which shall be forthwith transmitted to the secretary of state with such certificate as provided in section four thousand one hundred thirty.

Disposition
of fees of
sheriff, clerk
and recorder.

The clerk, sheriff and recorder shall account for all fees in this and the two preceding sections provided for, and the clerk, sheriff, and recorder, unless otherwise provided by law, shall pay the same to the treasurer on the first Monday of the month following their collection, as provided in this article fifty-nine of this chapter.

CHAPTER 76.

An act granting to municipal corporations of the State of California the right to construct, operate and maintain water and gas pipes, mains and conduits, electric light and electric power lines, telephone and telegraph lines, and sewers and appurtenances thereof across, along, in, under or upon any road, street, alley, avenue, or highway or across any railway, canal, ditch or flume, and providing for the means by which the terms, conditions and location of such use shall be determined.

[Approved May 2, 1923.]

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

SECTION 1. There is hereby granted to every municipal corporation of the State of California the right to construct, operate and maintain water and gas pipes, mains and conduits, electric light and electric power lines, telephone and telegraph lines, sewers and sewer mains, all with their necessary appurtenances, across, along, in, under, over, or upon any road, street, alley, avenue or highway, and across, under or over any railway, canal, ditch or flume which the route of such works intersects, crosses or runs along, in such manner as to afford security for life and property; *provided, however*, that such municipal corporation shall restore the road, street, alley, avenue, highway, canal, ditch or flume so used to its former state of usefulness as nearly as may be, and such use shall be so located as to interfere as little as possible with other existing uses of said road, street, alley, avenue, highway, canal, ditch, or flume; *and provided, further*, that before any such municipal corporation shall use any street, alley, avenue, or highway within any other municipal corporation, the municipal corporation proposing to use such street, alley, avenue or highway shall request the municipal corporation in which such street, alley, avenue or highway is situated to agree with said municipal corporation proposing to make such use, upon the terms and conditions to which such use shall be subject and the location thereof, and if said two municipal corporations are unable to agree on such terms and conditions and location within three months thereafter then the municipal corporation proposing to use such street, alley, avenue or highway may bring an action in the superior court of the county in which the same is situated against such other municipal corporation to have such terms and conditions and location determined, and in such action such superior court may determine and adjudicate the terms and conditions to which such use of the said street, avenue, alley or highway shall be subject, and the location thereof, and upon the making of the final judgment in such action the municipal corporation desiring so to do may enter and use the street, alley, avenue, or highway upon the terms and conditions and at the location specified in such judgment.

Right of
way for
municipal
utilities, etc.

CHAPTER 77.

An act to amend section two thousand two hundred eighty-nine of the Political Code, relating to minor orphans, half orphans and abandoned children.

[Approved May 2, 1923.]

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

SECTION 1. Section two thousand two hundred eighty-nine of the Political Code is hereby amended to read as follows:

Limitations
on aid.

2289. In order that the provisions of this chapter shall not be abused, it is hereby declared:

1. That no child over the age of sixteen years shall be deemed a minor orphan, half orphan, abandoned child, or child of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he can not pursue a gainful occupation, within the intent and meaning of this chapter.

2. That no child for whose specific support there is paid to any such institution the sum of twenty dollars or more per month shall be deemed a minor orphan, half orphan, abandoned child, or child of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he can not pursue a gainful occupation, within the intent and meaning of this chapter.

3. That no child maintained in an institution for whom a bona fide offer of a proper home has been made shall be considered eligible for further state aid; *provided, however*, that no institution shall be required to surrender a child to any person of religious faith different from that of the child or the parents of the child.

That a child who has not resided in this state for a period of at least two years prior to the application for aid shall not be eligible to receive state aid unless such child is born in this state; *provided, further*, that no child born without the state who is brought into or kept within this state by any person in violation of any law of the United States or of this state shall be eligible to receive state aid, regardless of the length of time such child may have been within the state.

CHAPTER 78.

An act to amend section one thousand five hundred twelve of the Penal Code, relating to witnesses.

[Approved May 2, 1923.]

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

SECTION 1. Section one thousand five hundred twelve of the Penal Code is hereby amended to read as follows:

Witnesses.

1512. Coroners may issue subpoenas for witnesses, returnable forthwith or at such time and place as they may appoint, which may be served by any competent person.

They must summon and examine as witnesses every person who in their opinion, or that of any of the jury, has any knowledge of the facts and may summon a surgeon or physician to inspect the body, or hold a post-mortem examination thereon, or a chemist to make an analysis of the stomach or the tissues of the deceased and give a professional opinion as to the cause of the death. The coroner may adjourn the inquest from time to time as may be necessary.

CHAPTER 79.

An act to amend section one thousand five hundred ninety-seven of the Political Code, relating to school elections.

[Approved May 2, 1923.]

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

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

1597. In districts in which the average daily attendance, as shown by the teachers' register, exceeds four hundred the polls must be open at eight o'clock a.m. and kept open until eight o'clock p.m. In other districts the polls must not be opened before nine o'clock a.m. nor kept open less than four hours nor closed before six o'clock p.m.; *provided, however*, in all elections held for the purpose of authorizing the incurring of any bonded indebtedness the polls must be open at eight o'clock a.m. and kept open until eight o'clock p.m.

Opening and closing of polls.

CHAPTER 80.

An act to amend section two thousand six hundred five of the Political Code relating to San Diego Bay.

[Approved May 2, 1923.]

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

SECTION 1. Section two thousand six hundred five of the Political Code is hereby amended to read as follows:

2605. Whenever the board of the state harbor commissioners for San Diego shall have located a line for a harbor embankment or sea wall for any part of the harbor, as provided in section two thousand five hundred eighty-eight, they shall make a plan and plat of all the lands in the state included between the said embankment and the shore line of the bay and file a copy of the same with the recorder of the county of San Diego. The commissioners shall have the right to lease said lands under such established rules and regulations as they may adopt and publish, but no lease shall be made or be valid for a term of more than fifty years, nor shall any leases be made or be valid except made to the highest bidder, at public auction, after notice has been given in the official newspaper of

Plat of state lands.

Leases.

Monthly
rentals.

the city of National City daily for at least thirty days prior to said auction. And all leases shall provide for the payment of monthly rentals; and that the lessee or his assigns shall not use said lands in any manner to decrease the amount of the tidal waters of the bay; and shall also provide for the forfeiture of said leases upon nonfulfillment of any of the covenants in said leases. No portion of said lands shall be leased in one lease in quantity to exceed forty acres, nor shall the leases of more than one hundred twenty acres in quantity of said lands be sold at any one public auction. All funds derived from said leases shall be reported to and paid out from the state treasury as provided in section two thousand five hundred eighty-four.

CHAPTER 81.

An act to amend section four thousand two hundred thirty-nine of the Political Code, relating to the compensation of officers in counties of the tenth class.

[Approved May 2, 1923.]

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

SECTION 1. Section four thousand two hundred thirty-nine of the Political Code is hereby amended to read as follows:

Salaries and
fees of
officers.

4239. In counties of the tenth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

County clerk.

1. The county clerk, three thousand six hundred dollars per annum, *provided*, that in counties of this class there shall be and there is hereby allowed to the county clerk one deputy for each department of the superior court in each of said counties, which offices are hereby created, as provided by section four thousand two hundred ninety of the Political Code of the State of California. Said deputies shall be appointed by said county clerk, shall be court room clerks of said department, and shall each receive a salary of two thousand one hundred dollars per annum, which shall be paid by said county in monthly installments at the same time, in the same manner and out of the same funds as the salary of the county clerk is paid. There shall be also and is hereby allowed to said county clerk a chief deputy and one office deputy and one copyist, which offices are hereby created. Said deputies shall be appointed by said county clerk, the chief deputy to receive a salary of two hundred dollars per month, and the office deputy to receive a salary of one hundred fifty dollars per month, and the copyist to receive a salary of one hundred twenty-five dollars per month, which salaries shall be paid by said county in monthly installments at the same time and in the same manner and out of the same funds as the salary of

the county clerk is paid. In each year in which a new and complete registration of voters is required by law, said county clerk shall appoint an additional deputy or deputies, who shall receive the sum of seven and one-half cents per name for taking the affidavits of registration outside of the office of said county clerk, and the claims for their services at said rate shall be presented to and allowed by the board of supervisors as other claims are presented and allowed. In each year in which a general election is held the county clerk may appoint assistant clerks, which offices are hereby created and whose compensation shall not exceed the sum of one thousand eight hundred dollars in the aggregate for all assistants so employed. All fees received by this office shall be turned over to the county and become the property of the county. All the provisions in this paragraph, are to apply to the present incumbents.

2. The sheriff, three thousand four hundred dollars per annum, and such mileage as is now allowed by law, and also all fees for service of papers in actions arising outside of this county; *provided*, that in counties of this class there shall be and hereby is allowed to the sheriff twelve deputies, whose offices are hereby created, and who shall be appointed by the sheriff, and shall be paid salaries as follows: One chief deputy sheriff at a salary of two thousand four hundred dollars per annum; one deputy sheriff, to act as fingerprint expert and photographer, at a salary of two thousand one hundred dollars per annum; one deputy sheriff at a salary of two thousand dollars per annum; two deputy sheriffs at a salary of one thousand eight hundred dollars each per annum; one office deputy sheriff at a salary of one thousand eight hundred dollars per annum; one office deputy sheriff in the fingerprint department at a salary of one thousand five hundred dollars per annum; one deputy sheriff to act as jailer at a salary of two thousand dollars per annum; two deputy sheriffs to act as assistant jailers at a salary of one thousand eight hundred dollars each per annum; two deputy sheriffs who shall act as bailiffs of the superior court of said county at a salary of one thousand five hundred dollars each per annum; *provided, however*, that if a third superior court should be created for said county there shall be and is hereby allowed one extra deputy sheriff who shall act as bailiff of said court at a salary of one thousand five hundred dollars per annum, and who shall be appointed by the sheriff. The salaries of all of said deputies shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid. All fees and commissions, except as hereinbefore in this paragraph mentioned, shall be turned over to the county and become the property of the county. All provisions of this paragraph relating to salaries of deputies shall apply to the incumbents.

3. The recorder, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed the recorder four deputies who

shall be appointed by the recorder, and shall be paid the following salaries, to wit: One chief deputy at a salary of two thousand one hundred dollars per annum; one deputy (who shall have charge of the Torrens work) at a salary of two thousand one hundred dollars per annum; one deputy at a salary of one thousand eight hundred dollars per annum; one deputy at a salary of one thousand five hundred dollars per annum. The salaries of said deputies shall be paid by the county in equal monthly installments at the same time and in the same manner and out of the same funds as the salaries of the county officers are paid. The recorder may also appoint such number of copyists as may be required, who shall be paid by the county at the rate of five cents per folio. The compensation of such copyists shall be paid monthly upon claims duly presented to and allowed by the board of supervisors as other claims are presented and allowed. All fees and commissions received by this office shall be turned over to the county and become the property of the county. Except as to the salary of the recorder, the changes effected by this subdivision shall apply to the incumbents.

Auditor.

4. The auditor, three thousand dollars per annum. In counties of this class there shall be and there is hereby allowed to the auditor the following deputies, whose offices are hereby created and who shall be appointed by the auditor and receive the following salaries: One chief deputy, two thousand dollars per annum; one deputy, one thousand five hundred dollars per annum, and such other assistants as the auditor may require; *provided*, that the compensation of such other assistants shall not in the aggregate exceed the sum of five thousand dollars in any one year; *and provided, further*, that the auditor shall file with the county clerk a verified statement, showing in detail the amounts and the persons to whom said compensation is paid. The salaries of said deputies and assistants herein provided for shall be paid by the said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid. The provisions of this paragraph relating to deputies and assistants shall apply to the incumbents.

Treasurer.

5. The treasurer, two thousand eight hundred dollars per annum. In counties of this class there shall be, and there is hereby allowed to the treasurer two deputies, which offices are hereby created, who shall be appointed by the treasurer and receive the following salaries: One chief deputy, two thousand one hundred dollars per annum; one deputy, one thousand eight hundred dollars per annum; and also such assistants as the treasurer may require; *provided*, that the compensation of such assistants shall not in the aggregate exceed the sum of one thousand five hundred dollars in any one year; *and provided, further*, that the treasurer shall file with the county auditor a verified statement, showing in detail the amounts and the persons to whom said compensation is paid. The salaries of said deputies and assistants herein provided for shall be paid by said county in monthly installments at the same

time and in the same manner and out of the same fund as the salary of the treasurer is paid. The provisions of this paragraph relating to deputies and assistants shall apply to the incumbents.

6. The tax collector, three thousand dollars per annum. In counties of this class there shall be and there is hereby allowed to the tax collector the following deputies, whose offices are hereby created and who shall be appointed by the tax collector: One chief deputy at a salary of two thousand dollars per annum, one deputy at a salary of one thousand five hundred dollars per annum, and such assistants as the tax collector may require; *provided*, that the compensation of such assistants shall not in the aggregate exceed the sum of nine thousand dollars in any one year; *and provided, further*, that the tax collector shall file with the county auditor a verified statement, showing in detail the amounts and the persons to whom said compensation is paid. The salaries of said deputies and assistants herein provided for shall be paid by the said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid. The provisions of this paragraph relating to deputies and assistants shall apply to the incumbents.

7. The assessor, three thousand nine hundred dollars per annum. In counties of this class there shall be allowed to the assessor the following deputies, whose offices are hereby created, and who shall be appointed by the assessor: One deputy who shall be chief deputy at a salary of two thousand four hundred dollars per annum; one office deputy at a salary of one thousand eight hundred dollars per annum, and such field deputies as the assessor may require, and whose compensation in the aggregate shall not exceed twenty thousand dollars per annum; *and provided*, that the assessor shall file with the county auditor a verified statement showing in detail the amounts and the persons to whom such compensation is paid. The assessor shall also be allowed his necessary traveling expenses, not exceeding in any one year the sum of three hundred dollars. The salaries of such deputies shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as county officers are paid. The provisions of this paragraph relating to deputies shall apply to the incumbents. All fees and commissions, including commissions on poll taxes, collected by this office shall be turned over to the county and become the property of the county.

8. The district attorney, three thousand six hundred dollars per annum. In counties of this class there shall be and there is hereby allowed to the district attorney one chief deputy and two deputies to be appointed by the district attorney and who shall be regularly admitted to practice before the courts of the State of California. The said chief deputy shall receive a salary of three thousand dollars per annum, and each of the other deputies shall receive a salary

of two thousand four hundred dollars per annum, which said salaries shall be paid by the county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the said district attorney is paid. There shall be and there is hereby allowed to the district attorney one stenographer to be appointed by the district attorney at a salary of sixteen hundred twenty dollars per annum, and one stenographer at a salary of one thousand two hundred dollars per annum, which said salaries shall be paid in equal monthly installments at the same time and in the same manner and out of the same funds as the salary of the district attorney. The provisions of this paragraph relating to deputies and the stenographers shall apply to the incumbents.

Coroner. 9. The coroner, such fees as are now or may hereafter be allowed by law.

Public administrator. 10. The public administrator, such fees as are now or may hereafter be allowed by law.

Superintendent of schools. 11. The superintendent of schools, two thousand eight hundred dollars per annum and actual traveling expenses when visiting the schools of the county. In counties of this class there shall be and there is hereby allowed to the superintendent of schools one office deputy, which office is hereby created, at a salary of one thousand five hundred dollars per annum, and who shall be appointed by the said superintendent of schools. The salary of said deputy herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools is paid. The provisions of this paragraph relating to the deputy shall apply to the incumbent.

Surveyor. 12. The surveyor, ten dollars per day when actually employed by the county.

Justices of the peace. 13. Justices of the peace shall receive the following monthly salaries, to be paid each month in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them as such officers: (1) In townships having a population of twelve thousand or over, one hundred twenty-five dollars; (2) in townships having a population of nine thousand or over up to twelve thousand, one hundred dollars; (3) in townships having a population of six thousand or over up to nine thousand, seventy-five dollars; (4) in townships having a population of three thousand or over up to six thousand, twenty-five dollars; (5) in townships having a population less than three thousand, ten dollars.

Constables. 14. Constables shall receive the following monthly salaries, to be paid each month in the same manner and out of the same fund as county officers are paid; which shall be in full for all services rendered by them in criminal cases: (1) In townships having a population of twelve thousand or over, one hundred twenty-five dollars; (2) in townships having a population of nine thousand or over up to twelve thousand, one hundred dollars; (3) in townships having a population of six thousand

or over up to nine thousand, seventy-five dollars; (4) in townships having a population of three thousand or over up to six thousand, twenty-five dollars; (5) in townships having a population less than three thousand, ten dollars; *provided, further,* that each constable shall receive his actual and necessary expenses incurred in conveying prisoners to the court or to the county jail. In addition to the compensation received in criminal cases, each constable shall receive and retain for his own use, such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

15. Each supervisor, two thousand four hundred dollars Supervisors. per annum, payable in monthly installments, and fifteen cents per mile one way for traveling expenses from his residence to the place of meeting of the board at the county seat, for not more than four board meetings per month, and the necessary actual expenses incurred by him while engaged in county business outside of his district, not exceeding in the aggregate the sum of three hundred dollars per annum.

16. The county traffic officer, three thousand dollars per annum; *provided,* that in counties of this class there shall be and there is hereby allowed to the county traffic officer five deputies, which offices are hereby created. Said deputies shall be appointed by said county traffic officer, and shall receive a salary of two thousand eight hundred and twenty dollars per annum each, which shall be paid by said county in monthly installments, at the same time, in the same manner and out of the same funds as the salary of the county traffic officer is paid. Said traffic officer and his said deputies shall provide their own motoreycles or other vehicles and gasoline and oil for the purpose of propelling the same, and shall pay all of the expense of the upkeep of said machines. All the provisions of this paragraph are to apply to the office of county traffic officer and his deputies whenever said office of county traffic officer is created by law. Traffic officer.

17. A live stock inspector, three hundred dollars per annum, which shall be in full payment for all services rendered by said inspector. Live stock inspector.

18. For the purposes of subdivisions thirteen and fourteen of this section, the population of the several judicial townships shall be determined by the United States census taken in 1920; *provided,* that the board of supervisors of said county may each four years thereafter cause a census of any or all townships in the county to be taken for the purpose of determining the population of said township or townships upon which to base the salaries of justices of the peace and constables. Population of judicial townships.

19. In counties of this class grand and trial jurors in superior courts shall receive for each day's attendance, per day the sum of three dollars. In justices' courts in civil cases jurors shall receive for each day's attendance per day the sum of two dollars. In justices' and recorders' courts in criminal cases jurors shall receive for each day's attend- Jurors.

ance per day the sum of one dollar and fifty cents. And all jurors shall receive for each mile actually and necessarily traveled from their residences to the place of service, in going only, the sum of fifteen cents per mile, such mileage to be allowed but once during any session of the court where such jurors serve; *provided*, that the fees of all trial jurors in civil cases shall be paid by the litigants as other costs are paid, and jurors in criminal cases in recorders' courts shall be paid by the municipality in which such court is or may be established.

Constitutionality.

.20. If any paragraph, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this section. The legislature hereby declares that it would have passed each section and each paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one or more paragraphs, sentences, clauses or phrases is declared unconstitutional.

SEC. 2. The provisions of this act, so far they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 82.

An act declaring insect pests, insect infestations and pine beetles to be a nuisance, and providing for the control, eradication and destruction of said insect pests.

[Approved May 2, 1923.]

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

Insect pests
a public
nuisance.

SECTION 1. Pine beetles and other insect pests and infestations harmful, detrimental and injurious to timber and forest growths and to timber infested thereby are hereby declared to be a public nuisance.

Destruction
of pests.

SEC. 2. Every owner of timber or timberlands shall control, destroy and eradicate such insect pests, or provide for the same to be done on lands owned by him or under his control, but in case of his failure or neglect so to do, such work may be performed as provided for in this act.

Infestation
districts.

SEC. 3. When any owner or owners of timber or timberlands shall find the same infested with pine beetles or other insect pests, or shall find timberlands adjacent thereto so infested, he or they shall immediately notify the state forester thereof, whereupon it shall be the duty of the state forester at once to investigate such condition, and if in his opinion the infestation is of such a character as to be injurious to forest growths and a menace to timber or timbered lands, the state

forester, with the approval of the state board of forestry, shall declare a district or zone of infestation, and declare and fix the boundaries thereof so as to definitely describe and identify such district. Thereafter and upon written application of the owners of sixty per cent or more of the timber or timbered lands within said infestation district that the provisions of this act be enforced and that said nuisance be abated and that the said insect pests be eradicated and destroyed, the state forester shall at once notify all owners of timber and timberlands within the said district to proceed under the provisions of this act without delay to destroy and eradicate the said pests as provided herein. The said notice shall be by publication in a newspaper of general circulation in the district affected, and by personal service, or by mail addressed to the last known place of address of such owner sealed, plainly addressed, with the requisite amount of postage stamps thereon and deposited in the United States post office. Such service may be made on an agent of the owner, or upon any person of legal age in possession of residing upon said land.

Application
for
abatement.

Notice

SEC. 4. If the owner or owners referred to in the last preceding section fail, refuse or neglect to comply with the requirements of said notice for a period of thirty days after the date thereof, it shall be the duty of the state forester, or the person or persons authorized and directed by him, to go upon said lands using such assistance and help as he may deem necessary, and to cause such insect pests to be eradicated and destroyed in such manner as shall be approved by the state board of forestry.

State
forester to
abate the
nuisance.

SEC. 5. Upon the completion of said work so directed and authorized, the state forester shall make and file with the county clerk of the county wherein the said infestation district or zone is situated, a verified statement of the expenses necessarily incurred in performing the work of eradicating said pests. Upon the filing of said statement the county clerk shall cause the same to be entered upon a lien docket prepared and kept for that purpose. Said expense account when so filed and docketed shall constitute a first lien upon the timberlands upon which such work was performed, second only to the lien for taxes. If said charges and expenses shall not be paid and fully discharged within ninety days from the docketing thereof, it shall be the duty of the district attorney of said county to bring suit or action in the name of the state board of forestry for the foreclosure of the said lien, and the lands and timber included in said lien shall be sold in the manner provided by law under execution, and enough of the proceeds to satisfy the lien and costs shall be paid into the state treasury and deposited to the credit of the state board of forestry. The overplus if there be any shall be paid to the owner of the property, if he be known, and if not, into the court for his use when ascertained.

Abatement
expense a
lien on land.

Foreclosure
of lien.

SEC. 6. Every owner and all owners who, upon receiving said notice as provided in this act, shall proceed and continue

Exemptions.

in good faith to eradicate and destroy said pests shall be exempt from the provisions hereof as to the lands upon which he or they are so proceeding.

Dissolution
of district.

SEC. 7. Whenever the state board of forestry, shall determine that control work within the designated zone or district of infestation is no longer necessary, said board by resolution may dissolve said district or zone, and whenever the owners of sixty per cent or more of the lands within said district or zone of infestation shall petition said state board of forestry to dissolve said district or zone for the reason that control work is no longer necessary or feasible, then the said board shall by resolution dissolve the same.

Further
exemptions.

SEC. 8. Every owner in any such zone or district who is a member of a cooperative association of timberlands now existing or which may hereafter be formed, and which actively engages in the destruction, control and eradication of the said insect pests and pine beetles, using methods approved by the state board of forestry, shall be exempt from provisions of this act.

"Timber-
land,"
what
constitutes.

SEC. 9. For the purposes of this act any land shall be considered timberland which has enough timber, standing or down, to constitute, in the judgment of the state board of forestry, an insect or pine beetle infestation breeding ground of a nature to constitute a menace, injurious and dangerous to timber or forest growth in the district or zone under consideration.

"Owner."

SEC. 10. The word "owner" as used in this act shall include individuals, partnerships, corporations and associations.

CHAPTER 83.

An act granting to the city of San Rafael the salt marsh, tide and submerged lands of the State of California, within the present boundaries of said city, including the right to wharf out therefrom, and regulating the management, use and control thereof.

[Approved May 2, 1923.]

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

Lands
granted
to San
Rafael.

SECTION 1. There is hereby granted to the city of San Rafael, a municipal corporation of the State of California, and to its successors, all the right, title and interest of the State of California, held by said state by virtue of its sovereignty, in and to all the salt marsh, tide and submerged lands, whether filled or unfilled, within the present boundaries of said city, and situated below the line of mean high tide of the Pacific ocean, or of any harbor, estuary, bay or inlet within said boundaries, to be forever held by said city, and by its successors in trust for the uses and purposes, and upon the express conditions following, to wit:

That said lands shall be used by said city and its successors, solely for the establishment, improvement and conduct of a harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays, and other utilities, warehouses, factories, storehouses, structures and appliances necessary or convenient for the promotion, benefit and accommodation of commerce and navigation, and said city, or its successors, shall not, except as herein authorized, at any time, grant, convey, give, or alien said lands, or any part thereof, to any individual, firm or corporation for any purpose whatever; *provided*, that said city, or its successors, may grant franchises thereon, for limited periods, for wharves and other public uses and purposes, and may lease said lands, or any part thereof, for limited periods, for purposes consistent with the trusts upon which said lands are held by the State of California and this grant, for a term not exceeding fifty years, and on such other terms and conditions as said city may determine, including a right to renew such lease or leases for a further term not exceeding twenty-five years, or to terminate the same on such terms, reservations and conditions as may be stipulated in such lease or leases, and said lease or leases may be for any and all purposes which shall not interfere with navigation or commerce.

Use of lands.

Leases.

The State of California shall have, at all times, the right to use, without charge, all wharves, docks, piers, slips, quays and other improvements constructed on said lands, or any part thereof, for any vessel or other water craft or railroad, owned or operated by the State of California.

Use by state.

That in the operation, management or conduct of said harbor, or of any wharves, docks, piers, slips, quays or property or any improvements constructed or operated on said lands, no discrimination in rates, tolls, or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said city or its successors.

No discrimination.

There is hereby reserved in the people of the State of California the right to fish in the waters on which said lands may front with the right of convenient access to said waters over said lands for said purposes, such enjoyment of access and right to fish to be regulated by ordinance of the city of San Rafael, so as not to interfere, obstruct, retard, or limit the right of navigation or the right of lessees or licensees under lease or license given.

Right to fish.

CHAPTER 84.

An act authorizing the state highway commission to use certain land belonging to the State of California in Sonoma county for highway purposes.

[Approved May 2, 1923.]

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

Certain state land in Sonoma county to be used for highway.

SECTION 1. The state highway commission is hereby authorized to use the following described land or so much thereof

as may be necessary as a right of way for state highway purposes: said highway to be sixty feet wide and thirty feet on each side of a center line commencing at a point in the present county road leading from Kenwood to Sonoma, known as station "P" 111+85.0 P. O. T. of the California highway commission survey, distant north fifty-seven degrees thirty and one-half minutes east 26.3 feet from a corner in the westerly line of said county road common to the lands of the grantor and Mary A. Thierkoff; thence from said point of commencement south thirty-eight degrees forty-three minutes east 1795.79 feet; thence curving to the right with a radius of five thousand feet, through an angle of three degrees fifty-two and one-half minutes for a distance of 338.16 feet to a point known as station "P" 133+18.95 P. T.—"A" 137 60.89 P. O. T. of said survey; thence south thirty-four degrees fifty and one-half minutes east 1736.71 feet; thence curving to the right with a radius of three thousand feet through an angle of five degrees nine minutes for a distance of 269.65 feet; thence south twenty-nine degrees forty-one and one-half minutes east 1775.92 feet; thence curving to the right with a radius of two thousand feet through an angle of three degrees forty-six and one-half minutes for a distance of 131.83 feet to a point in said county road, known as station "A" 176+75.0 P. O. C. of the California highway commission survey; distant north sixty-four degrees thirty-eight minutes east 27.0 feet from a corner in the westerly line of the aforementioned county road, common to the lands of the grantor and R. P. Hill; all bearings true; and containing after deducting those portions belonging to the lands of R. B. Swayne, Incorporated, Angelina Bocca, and others; Joseph Camotta, Rosina Regusci, J. E. Ursin and that portion used and acknowledged as a county road, an area of one acre, more or less.

CHAPTER 85.

An act to amend section two thousand one hundred ninety-one of the Political Code, relating to the deportation of non-residents.

[Approved May 2, 1923.]

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

SECTION 1. Section two thousand one hundred ninety-one of the Political Code is hereby amended to read as follows:

2191. It shall be the duty of the commission to cooperate with the United States bureau of immigration in arranging for the deportation of all alien public charges who are now confined in or may be hereafter admitted or committed to any state hospital, Whittier State School, Preston School of Industry or California School for Girls.

The commission shall also return all nonresident public charges, who are now confined in or who may be hereafter admitted or committed to any state hospital, Whittier State School, Preston School of Industry or California School for

Deportation
of alien and
nonresident
public
charges.

Girls, to the state or states in which they may have a legal residence. For the purpose of facilitating the return of such persons the said commission may enter into reciprocal agreements with the proper boards, commissions, or officers of other states for the mutual exchange of such public charges now confined in or hereafter admitted or committed to any state hospital in one state whose legal residence is in the other, and it is authorized and empowered to give written permission for the return of any resident or residents of California now confined in a public institution in another state, corresponding to any institution coming within the definition of state hospitals for the insane.

A person shall be deemed to be a resident of this state ^{“Resident.”} within the meaning of this act who shall have lived continuously in the state for a period of one year and who has not acquired a residence in another state by living continuously therein for at least one year subsequent to his residence in this state; *provided, however*, that the time spent in a public institution or on parole therefrom shall not be counted in determining the matter of residence in this or another state. In determining the residence of a minor inmate of the Whittier State School, Preston School of Industry and California School for Girls, due consideration shall be given to the residence of the parents of said inmate, and if either one or both parents of said minor inmate are residents of California, the inmate shall also be deemed a resident of California.

All expenses incurred in returning such persons to another state shall be paid by the State of California, but the expense of returning residents of this state shall be borne by the state making the return. ^{Expense of deportation.}

The cost and expense incurred in effecting the transportation of such persons shall be paid from the funds appropriated for that purpose, or from the money appropriated for the care of the insane, or incompetent and delinquent, as may be necessary, upon vouchers approved by the state board of control.

CHAPTER 86.

An act to amend the “water commission act,” approved June 16, 1913, as amended, by adding thereto two new sections to be numbered one a, relating to hearings upon applications for a permit to appropriate water, and one b, relating to actions for review and to priority of right.

[Approved May 2, 1923.]

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

SECTION 1. The “water commission act” approved June 16, 1913, as amended, is hereby amended by adding thereto a new section to be numbered one a and to read as follows:

Sec. 1a. The state water commission shall have authority to grant, or to refuse to grant a permit and to reject any ^{Authority regarding permits and applications.}

application, after hearing; *provided, however*, that no hearing shall be necessary in order to issue a permit upon an unopposed application or in order to reject a defective application after notice as provided in section seventeen of this act, unless the state water commission elects to hold a hearing; *and provided, further*, that upon failure of any party in interest to appear at a hearing or show good cause within five days thereafter for said failure, final action may be taken by said commission without further hearing. In the conduct of hearings technical rules of evidence need not be applied. Notice of hearing shall be given by mailing notice not less than twenty days before the date of hearing.

Sec. 2. The "water commission act," approved June 16, 1913, as amended, is hereby amended by adding thereto a new section to be numbered one *b* and to read as follows:

Review of
order by
superior
court

Sec. 1*b*. Any person, firm, association, or corporation interested in any application for a permit to appropriate water or any party protestant before the state water commission may within thirty days after issuance of a permit or an order refusing to issue a permit and rejecting an application bring an action in the superior court in and for the county wherein the proposed point of diversion or a proposed point of diversion lies. Said action shall be for a review of the order of the state water commission. Said court shall review all correspondence, maps, data and other records on file with the state water commission which pertain to said application and all evidence taken before said commission and take such additional evidence as it may require or as may be submitted by the parties in interest or the state water commission and shall then render judgment affirming, reversing, or modifying the action of the state water commission. The priority of right of an applicant shall continue until final judgment is rendered.

CHAPTER 87.

An act to amend the "water commission act," approved June 16, 1913, as amended, by adding thereto two new sections to be numbered one c, relating to acquisition of rights by appropriation to the use of water, and one d, relating to matters prerequisite to the issuance of a permit to appropriate water.

[Approved May 2, 1923.]

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

SECTION 1. The "water commission act," approved June 16, 1913, as amended, is hereby amended by adding thereto a new section to be numbered one *c* and to read as follows:

Right to
water, how
acquired.

Sec. 1*c*. No right to appropriate or use water which is subject to the provisions of this act shall be initiated or acquired by any person, firm, association, or corporation except upon compliance with the provisions of this act.

SEC. 2. The "water commission act," approved June 16, 1913, as amended, is hereby amended by adding thereto a new section to be numbered one *d* and to read as follows:

Sec. 1*d*. As prerequisite to the issuance by the state water commission of a permit to appropriate water the following facts must exist: there must be a person, firm, association, or corporation as party applicant; the application must contain the matter and information prescribed by this act and be in the form required by the state water commission; the application must be accompanied by such maps, drawings, and other data as may be required by the state water commission; the intended use must be beneficial; there must be unappropriated water available to supply the applicant; and all fees due must be paid; but this enumeration of prerequisites shall not be interpreted to exclude other matters, if any, made by this act prerequisite to the issuance of a permit.

Prerequisite
to issuance
of permits.

CHAPTER 88.

An act conveying certain lands situated in the city and county of San Francisco, to the said city and county of San Francisco, to be used as an aquatic park.

[Approved May 2, 1923.]

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

SECTION 1. There is hereby granted and conveyed to the city and county of San Francisco all the right, title and interest of the State of California held by said state by virtue of its sovereignty, in and to all the lands situated in the said city and county of San Francisco and particularly described as follows:

Lands
granted
to San
Francisco.

Beginning at the point of intersection of the center line of Polk street with the center line of Tonquin street; running thence easterly along said center line of Tonquin street to the westerly line of Larkin street; thence at a right angle southerly along said westerly line of Larkin street to the northerly line of Jefferson street; thence easterly along said northerly line of Jefferson street to the westerly line of Hyde street; thence northerly along said westerly line of Hyde street, a distance of two hundred twenty-five (225) feet; thence at a right angle westerly a distance of two hundred seventy-five (275) feet; thence at a right angle northerly a distance of two hundred forty-five (245) feet more or less to the southerly line of The Embarcadero; thence northwesterly along said southerly line of The Embarcadero to its intersection with the center line of Polk street; thence southerly along the center line of Polk street to the point of beginning. Said lands are hereby conveyed to said city and county of San Francisco, for the purpose of being used in conjunction with other property now owned by the said city and county of San Francisco as an aquatic park.

For aquatic
park.

Use of
land
restricted.

SEC. 2. The said city and county shall have and there is hereby granted to it the right to make upon said premises all improvements, betterments and structures of every kind and character, proper, needful and useful for the development and maintenance of said park, so far as the same may be consistent with this act; *provided, however*, that the grantee under this act shall at no time erect any piling, breakwater or other structure which shall in any way interfere with the operation of any ferry or ferryboat operating from any slip, wharf or pier situated easterly of the land described herein.

Land not
to be
alienated.

SEC. 3. No grant, conveyance or transfer of any character shall ever be made by the city and county of San Francisco, of the land herein granted or any part thereof, but the said city and county shall continue to hold said lands and the whole thereof, unless the same revert to the State of California.

CHAPTER 89.

An act to amend section nineteen x ten of an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers.

[Approved May 2, 1923.]

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

Stats. 1921,
p. 1446,
amended.

SECTION 1. Section nineteen x ten of an act entitled, "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the

salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, is hereby amended to read as follows:

Sec. 19x10. In counties of the tenth class there shall be one probation officer, whose salary shall be two hundred fifty dollars per month, and, also, two assistant probation officers. Salaries of said assistant probation officers shall be as follows: One assistant probation officer one hundred fifty dollars per month, and one assistant probation officer seventy-five dollars per month.

Counties of tenth class, salaries of probation officers.

CHAPTER 90.

An act to amend section thirty-three of the "workmen's compensation, insurance and safety act of 1917," approved May 23, 1917, as amended, to extend the scope of the terms "place of employment," "employment," and "employer."

[Approved May 2, 1923.]

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

SECTION 1. Section thirty-three of the "workmen's compensation, insurance and safety act of 1917," approved May 23, 1917, as amended, is hereby amended to read as follows:

Stats. 1919, p. 422, amended.

Sec. 33. The following terms, as used in sections thirty-three to fifty-four, inclusive, of this act, shall unless a different meaning is plainly required by the context, be construed as follows:

Definitions.

(1) The phrase "place of employment" shall mean and include any and every place, whether indoors or out or underground, or elsewhere, and the premises appurtenant thereto, where, either temporarily or permanently, any enterprise, project, industry, trade, work or business is carried on, or where any process or operation directly or indirectly related to any enterprise, project, industry, trade, work or business, is carried on, including all excavation, demolition and construction work, and where any person is employed by another, or suffered or permitted to work for hire but shall not include any place where persons are employed solely in household domestic service or any place of employment, concerning the safety of which jurisdiction may have been vested by law heretofore or hereafter in any other state commission or officer, or any offices or department of the federal government.

"Place of employment."

(2) The term "employment" shall mean and include any trade, work, enterprise, project, business, occupation or process

"Employment."

of manufacture, or any method of carrying on such trade, work, enterprise, project, business, occupation or process of manufacture, including all excavation, demolition and construction work, in which any person may be engaged except where persons are employed solely in household domestic service.

"Employer." (3) The term "employer" shall mean and include every person, firm, voluntary association, corporation, officer, agent, manager, representative or other person having direction, management, control or custody of any employment, place of employment or of any employee.

"Employee." (4) The term "employee" shall mean and include every person who may be required or directed by any employer, to engage in any employment, or to go to work or be at any time in any place of employment.

"Order." (5) The term "order" shall mean and include any decision, rule, regulation, direction, requirement or standard of the commission or any other determination arrived at or decision made by such commission under the safety provisions of this act.

"General order." (6) The term "general order" shall mean and include such order, made under the safety provisions of this act, as applies generally throughout the state to all persons, employments or places of employment, or all persons, employments or places of employment of a class under the jurisdiction of the commission. All other orders of the commission shall be considered special orders.

"Local order." (7) The term "local order" shall mean and include any ordinance, order, rule or determination of any board of supervisors, city council, board of trustees or other governing body of any county, city and county, city, or any school district or other public corporation, or an order or direction of any other public official or board or department upon any matter over which the industrial accident commission has jurisdiction.

"Safe" and "safety." (8) The terms "safe" and "safety" as applied to an employment or a place of employment shall mean such freedom from danger to the life or safety of employees as the nature of the employment will reasonably permit.

"Safety device" and "safeguard." (9) The terms "safety device" and "safeguard" shall be given a broad interpretation so as to include any practical method of mitigating or preventing a specific danger.

CHAPTER 91.

An act to amend section three thousand four hundred forty of the Civil Code providing for the sale of stock of trade involved and providing for the liability of any auctioneer selling said stock.

[Approved May 2, 1923.]

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

SECTION 1. Section three thousand four hundred forty of the Civil Code is hereby amended to read as follows:

3440. Every transfer of personal property, other than a thing in action, or a ship or cargo at sea or in a foreign port, and every lien thereon, other than a mortgage, when allowed by law, and a contract of bottomry or respondentia, is conclusively presumed if made by a person having at the time the possession or control of the property, and not accompanied by an immediate delivery, and followed by an actual and continued change of possession of the things transferred, to be fraudulent, and therefore void, against those who are his creditors while he remains in possession, and the successors in interest of such creditors, and against any persons on whom his estate devolves in trust for the benefit of others than himself, and against purchasers or encumbrancers in good faith subsequent to the transfer; *provided, however*, that the provisions of this section shall not apply to the transfers of wines in the wineries or wine cellars of the makers or owners thereof, or other persons having possession, care, and control of the same, and the pipes, casks, and tanks in which the said wines are contained, which transfers shall be made in writing, and certified and verified in the same form as provided for chattel mortgages, and which shall be recorded in the book of miscellaneous records in the office of the county recorder of the county in which the same are situated; *provided, also*, that the sale, transfer or assignment of a stock in trade, in bulk, or a substantial part thereof otherwise than in the ordinary course of trade and in the regular and usual practice and method of business of the vendor, transferrer, or assignor, and the sale, transfer, assignment or mortgage of the fixtures or store equipment of a merchant, will be conclusively presumed to be fraudulent and void as against the existing creditors of the vendor, transferrer, assignor or mortgagor, unless at least seven days before the consummation of such sale, transfer, assignment or mortgage the vendor, transferrer, assignor or mortgagor, or the intended vendee, transferee, assignee, or mortgagee, shall record in the office of the county recorder in the county or counties in which the said stock in trade, fixtures or equipment are situated a notice of said intended sale, transfer, assignment or mortgage, stating the name and address of the intended vendor, transferrer, assignor or mortgagor, and the name and address of the intended vendee, transferee, assignee or mortgagee, and a general statement of the character of the merchandise or property intended to be sold, assigned, transferred or mortgaged, and the date when and the place where the purchase price or consideration, if any there be, is to be paid; *provided, nevertheless*, that if such intended sale is to be at public auction the notice above required to be recorded shall state that fact, the time, terms, and place of said sale, the names and addresses of the vendor and auctioneer, and a general statement of the character of the merchandise or property intended to be sold; but such sale shall in no event occur within seven days of the date of recordation of said notice; and any auctioneer selling said

Transfers
presumed
fraudulent.

Exceptions.

Recording
of notice
of sale.

Sales at
public
auction.

Transfers
under
order of
court.

stock in trade or fixtures and store equipment of a merchant shall be personally liable for all damages incurred by any creditor of said merchant in the event said notice is not recorded as aforesaid; *provided, further*, that the provisions of this section shall not apply or extend to any sale, transfer, assignment or mortgage made under the direction or order of a court of competent jurisdiction or by any executor, administrator, guardian, receiver, or other officer or person acting in the regular and proper discharge of official duty, or in the discharge of any trust imposed upon him by law, nor to any transfer or assignment, statutory or otherwise, made for the benefit of creditors generally, nor to any sale, transfer, assignment or mortgage of any property exempt from execution.

CHAPTER 92.

An act to amend sections two, fifteen and sixteen of the "California warehouse act," approved June 3, 1921.

[Approved May 2, 1923.]

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

Stats. 1921,
p. 1178,
amended.

SEC. 1. Section two of said "California warehouse act," approved June 3, 1921, is hereby amended to read as follows:

Definitions.

SEC. 2. The term "warehouse," as used in this act, shall be deemed to mean every elevator, building, structure, or other protected enclosure within the State of California, in which any agricultural product is or may be stored. The term "agricultural product," wherever used in this act, shall be deemed to mean cotton, wool, hay, fertilizer, grain products, grains, tobacco, rice, beans and flaxseed, or any by-product thereof, and other agricultural products customarily handled in warehouses. The term "fungible product," as used in this act, shall be deemed to mean grain, rice, beans or other agricultural products handled in bulk and shall not include these products when handled in sacks. As used in this act, "person" includes a corporation, municipality, partnership, or two or more persons having a joint or common interest; "warehouseman" means a person lawfully engaged in the business of storing agricultural products; and "receipt" means a warehouse receipt. As used in this act, "director of agriculture" means the director of the state department of agriculture.

Stats. 1921,
p. 1181,
amended.

SEC. 2. Section fifteen of said "California warehouse act," approved June 3, 1921, is hereby amended to read as follows:

Inspection
of grain, etc.

SEC. 15. All fungible agricultural products stored in intrastate commerce in a warehouse licensed under this act shall be inspected and graded by a person duly licensed to grade the same under this act.

Stats. 1921,
p. 1181,
amended.

SEC. 3. Section sixteen of said "California warehouse act," approved June 3, 1921, is hereby amended to read as follows:

Depositors'
products
kept
separate.

SEC. 16. Every warehouseman conducting a warehouse licensed under this act shall keep the agricultural products therein of one depositor so far separate from agricultural

products of other depositors, and from other agricultural products of the same depositor for which a separate receipt has been issued, as to permit at all times the identification and redelivery of agricultural products deposited; but if authorized by agreement or by custom, a warehouseman may mingle fungible agricultural products with other agricultural products of the same kind and grade, and shall be severally liable to each depositor for the care and redelivery of his share of such mass to the same extent and under the same circumstances as if the agricultural products had been kept separate, but he shall at no time while they are in his custody mix fungible agricultural products of different grades, except upon written order of the owner or his agent and the surrender of the warehouse receipts.

CHAPTER 93.

An act to amend an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, as amended, designated the "bank act," by amending sections seven, ninety, and one hundred thirty thereof and by adding a new section thereto to be numbered section one hundred thirty-two a thereof, all relating to the definition and regulation of the business of banking.

[Approved May 2, 1923.]

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

SECTION 1. Section seven of an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, as amended, is hereby amended to read as follows: Stats. 1917,
p. 538,
amended.

Sec. 7. No foreign corporation shall transact a banking business in this state without first complying with all the requirements of the laws of this state relative to banks as defined in this act, and without having assigned to its business in this state the amount of paid-up capital and surplus required by this act for the transaction of such business within this state. No foreign banking corporation shall transact business in this state until such corporation has made the assignment of capital required by this section and has received a certificate from the superintendent of banks; *provided*, that a foreign banking corporation shall not be permitted to accept deposits of money in this state but may receive a certificate from the superintendent of banks to transact in this state only the business of buying or selling, paying or collecting bills of exchange, or of issuing letters of credit or of receiving money for transmission or transmitting the same by draft, check, cable or otherwise, or of making loans; *and provided, further*, that those foreign banking corporations that now have power to do a banking business in this state and which now receive deposits of money shall be permitted to continue to accept money on deposit. Any foreign banking corporation transacting business in this state shall become subject to the Foreign
corporations.

supervision of the state superintendent of banks. Every foreign banking corporation, including those which were on January second, one thousand nine hundred thirteen, transacting business in this state, which receives any deposits or transacts any other banking business or transacts its business in such a manner as might lead the public to believe that its business is that of a bank shall conduct all its business in accordance with the statutes governing incorporated banking institutions organized under the laws of this state. The capital of any such foreign banking corporation assigned to its business in this state and all funds and deposits of money received by any such corporation in this state or for or in connection with its business in this state and all accounts and transactions of said business transacted by any such foreign corporation in this state shall be kept separate and apart from the general business, assets and accounts of such foreign corporation in the same manner as if the business of such foreign corporation conducted within this state was that of a separate and independent corporation organized under the laws of this state for the purpose of doing a banking business and all of the provisions of this act affecting investments, loans of money, receiving deposits and conducting business in any respect shall be deemed to apply to such assigned capital, investments, loans, deposits, assets, funds and business in the same manner as if such assigned capital, investments, loans, deposits, assets, funds and business were that of such separate and independent corporation; *provided*, that loans may be made by any such foreign corporation based on its entire paid-up capital and surplus in case such foreign corporation shall have assigned to its business in this state a paid-up capital and surplus as above provided equal to twenty per centum of the deposit liability of such branch agency or office to residents of this state. Such funds and investments or loans thereof shall be appropriated solely to the security and payment of such deposits, and shall not be mingled with the investments of the capital stock or other money or property belonging to such corporation or be liable for the debts or obligations thereof.

Capital and deposits kept separate. All income received from the investment of said funds over and above such funds as may be paid to depositors as interest or shall be carried to the surplus fund, as provided in section twenty-one of this act, shall accrue as profits to the corporation and may be transferred to its general funds. No such foreign corporation shall transact any banking business in this state until it has executed and filed with the superintendent of banks a written instrument appointing such superintendent or his successor in office, its true and lawful attorney, upon whom all process issued by authority of or under any law of this state may be served, with the same effect as if such corporation was formed under the laws of this state and had been lawfully served with process therein. Such service upon such attorney shall be deemed personal service on such corporation. The superintendent of banks shall forthwith forward by mail, postage prepaid, a copy of every process served

Loans.

Income as profits.

Attorney.

Service of process.

upon him under the provisions of this section, addressed to the manager or agent of such corporation, at its principal place of business in this state. For each copy of process, the superintendent of banks shall collect the sum of two dollars, which shall be paid by the plaintiff or moving party at the time of the service, to be recovered by him as a part of his taxable costs if he succeed in the suit or proceeding. No foreign corporation shall have or exercise in this state the power to receive deposits of trust moneys, securities or other personal property from any person or corporation or any of the powers specified in section six of this act, nor have or maintain an office in this state for the transaction of, or transact, directly or indirectly, any such or similar business, except that a trust company incorporated in another state may have or exercise in this state such powers as are permitted to foreign corporations by the provisions of section ninety of this act; *provided*, that no foreign corporation which may have or exercise in this state such powers as are permitted to foreign corporations by the provisions of section ninety of this act shall establish or maintain, directly or indirectly, any branch office or agency in this state; *and provided, further*, that nothing in this act shall limit or affect the right of any foreign corporation doing a banking business in this state, to lend within this state, moneys of such corporation which do not form a part of the moneys, deposits or assets of such corporation assigned or belonging to its business in this state.

Trust
company
business.

This section shall not be construed to prohibit foreign banking corporations, which do not maintain an office in this state for the transaction of business, from making loans in this state secured by mortgages on real property, nor from accepting assignments of mortgages covering real property situated in this state, nor from making loans through correspondents which are engaged in the business of banking in this state under the laws of this state.

Loans by
foreign
banks.

SEC. 2. Section ninety of an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, as amended, is hereby amended to read as follows:

Stats. 1921,
p. 1406,
amended.

Sec. 90. Any corporation which has been or shall be incorporated under the laws of this state, which is authorized by its articles of incorporation to act as executor, administrator, guardian of estates, assignee, receiver, depository or trustee, under appointment of any court or by authority of any law of this state, or as trustee for any purpose permitted by law, which has its principal place of business in a city in which the population does not exceed one hundred thousand persons and which has a capital of not less than one hundred thousand dollars actually paid in, in cash, assigned to or available for the purpose of conducting business in any such capacity, or trust business of any character permitted by law, and which has made with the state treasurer the deposit of money or securities of the character and in the amount required by the terms of section ninety-six of this act, and which has received from the superintendent of banks the certificate of

Trust
companies.

Trust
companies.

authority required by the terms of section one hundred twenty-seven of this act, to transact such business, and any corporation which has been or shall be incorporated under the laws of this state, which is authorized by its articles of incorporation to act as executor, administrator, guardian of estates, assignee, receiver, depository or trustee, under appointment of any court or by authority of any law of this state, or as trustee for any purpose permitted by law, which has its principal place of business in a city in which the population exceeds one hundred thousand persons and which has a capital of at least two hundred thousand dollars actually paid in, in cash, assigned to or available for the purpose of conducting business in any such capacity, or trust business of any character permitted by law, and which has made with the state treasurer the deposit of money or securities of the character and in the amount required by the terms of section ninety-six of this act, and which has received from the superintendent of banks the certificate of authority required by the terms of section one hundred twenty-seven of this act, to transact such business, may act, or may be appointed by any court to act, in any such capacity in like manner as an individual, and when so qualified shall be known as a trust company. Any such trust company may, as provided in this act, accept or receive any deposit of money or personal property authorized, directed or permitted to be made with any such corporation by any court or law of this state, and may accept and execute any trust provided for in this act, or permitted by any law of this state, to be taken, accepted or executed by an individual. Any such trust company, if located in a city the population of which does not exceed one hundred thousand persons must segregate that portion of its capital and surplus assigned to or available for its trust business and must apportion and set aside at least fifty thousand dollars of such paid-up capital as security for the faithful performance and execution of all private trusts accepted by it and must also apportion and set aside at least fifty thousand dollars of such paid-up capital as security for the faithful performance and execution of all court trusts accepted by it and whenever such trust company shall, under the provisions of sections ninety-six and ninety-eight of this act, be required to make the first additional deposit of securities with the state treasurer, such trust company must apportion and set aside an additional fifty thousand dollars of paid-up capital as security for the faithful performance and execution of all private trusts accepted by it and must also apportion and set aside an additional fifty thousand dollars of paid-up capital as security for the faithful performance and execution of all court trusts accepted by it, and any such trust company, if located in a city, the population of which exceeds one hundred thousand persons, must segregate that portion of its capital and surplus assigned to or available for its trust business and must apportion and set aside at least one hundred thousand dollars of such paid-up

capital as security for the faithful performance and execution of all private trusts accepted by it and must also apportion and set aside at least one hundred thousand dollars of such paid-up capital as security for the faithful performance and execution of all court trusts accepted by it; *provided*, that no such trust company shall at any time be required to apportion and set aside any portion of its surplus as security for the faithful performance and execution of such private trusts, nor shall it be prohibited from so doing; *and provided, further*, that the respective amounts of capital or capital and surplus so apportioned and set aside shall be treated in all respects as the separate capital or capital and surplus of each respective kind or class of business, as though the same were conducted by separate and distinct corporations, and each shall be kept, held, used and disposed of wholly for the exclusive benefit, protection and security of the respective classes of trust business to which the same were respectively so apportioned and set aside. In all cases in which it is required that an executor, administrator, guardian of estates, assignee, receiver, depository or trustee, shall qualify by taking and subscribing an oath, or in which an affidavit is required, it shall be a sufficient qualification by such corporation if such oath be taken and subscribed or such affidavit be made by the president, vice president, secretary, manager, trust officer or assistant trust officer, and such officer shall be liable for the failure of such trust company to perform any of the duties required by law to be performed by an individual acting in the capacity and subject to like penalties; *provided*, any such appointment as guardian shall apply to the estate only, and not to the person.

Any trust company upon becoming a member of a federal reserve bank is authorized and empowered:

Trust
company as
member of
federal
reserve
bank.

To continue to administer, execute, enjoy and exercise all court and private trusts as defined in the bank act, powers, rights, privileges, and other fiduciary relations, appointments and business it may have at the time of becoming such trust company member, and also to take, execute and administer all new court and private trusts as defined in said bank act, including the right to the appointment of all fiduciary capacities in which it may be named in wills theretofore and thereafter executed and probated, and other appointments, powers, privileges, and business, of every kind and nature, as may be then or thereafter permitted to, but subject to the same requirements and limitations as may be imposed upon any corporation under all of the provisions of the bank act.

To hold, administer, execute, and in all respects generally handle, manage and dispose of, without charge, restriction, limitation or impairment of any nature, all of its investments, rights, interests, titles to property, contractual, legal and other rights, obligations or liabilities, of every kind or nature, court and private trusts as defined in the bank act, and other powers which it may be then permitted to exercise by law.

Foreign
corporation
as trustee.

A foreign corporation may be authorized to act in this state as trustee for the following purposes:

- (1) To deliver bonds, and receive payment therefor.
- (2) To deliver permanent bonds in exchange for temporary bonds of the same issue.
- (3) To deliver refunding bonds in exchange for those of a prior issue or issues.
- (4) To register bonds, or to exchange registered bonds for coupon bonds, or coupon bonds for registered bonds.
- (5) To pay interest on such bonds, and to take up and cancel coupons representing such interest payment.
- (6) To redeem and cancel bonds when called for redemption, or to pay and cancel bonds when due.
- (7) The certification of registered bonds for the purpose of exchanging registered bonds for coupon bonds.

Stats. 1913,
p. 188,
amended.

SEC. 3. Section one hundred thirty of an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, as amended, is hereby amended to read as follows:

Report to
superin-
tendent of
banks.

Sec. 130. Every bank, organized under the laws of this state, shall, whenever required by the superintendent of banks, make a report in writing to him, verified by the oath of its president and its secretary or cashier, or two principal officers. Such report shall show the actual financial condition of the bank making the report, at the close of any past day designated by the superintendent, and shall specify the following:

- (1) The amount of its capital stock and the number of shares into which it is divided.
- (2) The names of the directors and the number of shares of stock held by each.
- (3) The total amount of capital actually paid in, in cash, and the total amount of surplus, reserve and any other funds.
- (4) The total amount due the depositors.
- (5) The total amount and character of any other liabilities it may have.
- (6) The amount at which the lot and building occupied by the bank for the transaction of its regular business stands debited on its books; also the market value of all other real estate held, whether acquired in settlement of loans or otherwise, the original cost to the bank, the date when acquired, the amount at which it stands debited on the bank books, in what counties situated, and in what name the title is vested, if not in the name of the bank itself.
- (7) The amount loaned on real estate, specifying the amount secured on real estate in each county separately; also specifying the name of the person in whose name the property is held in trust or as security, in case it is held in any name other than that of the bank and the instrument creating the security does not itself disclose the name of the bank.
- (8) The amount invested in bonds, designating the name and amount of each particular kind.
- (9) The amount loaned on stocks and bonds, designating each particular class and the amount thereof.

(10) The amount of money loaned on other securities, with a particular designation of each class and the amount loaned on each.

(11) The amount and kind of money on hand or deposited in any other bank or place, with the name of the place where deposited and the amount in each place.

(12) Any other property held, or any amount of money loaned, deposited, invested or placed, not otherwise herein enumerated, and the place where situate and the value of said property, and the amount so loaned, deposited or placed.

(13) The date on which examination of the bank was last made by its board of directors and the date on which report of such examination was filed, as required by section one hundred thirty-nine of this act.

(14) The outstanding and unpaid amounts of any loans made by the bank, which under the provisions of either section sixty-five or eighty-three of this act are required to be reported to the superintendent of banks.

(15) Any overdrafts and any loans, investments, acts or omissions violative of or not in conformity with any provision of this act which may be specifically called for.

Every foreign corporation transacting the business of banking in this state shall make the report herein required as far as such report may relate to the affairs of such corporation in this state, and every foreign corporation must particularly render the report required by subdivisions three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen and fifteen of this section. Such report shall be made in writing and verified by the oath of one of its duly authorized officers or managers residing in this state. The oaths of the officers and the statements above required shall state that they and each of them have a personal knowledge of the matters therein contained and that they believe every allegation, statement, matter and thing therein contained is true. Any wilful false-statement in the premises shall be perjury and shall be punished as such.

Report of
foreign
corporations.

Every bank which operates any branch office in any city or locality other than that wherein is located its principal place of business must in addition to the foregoing, report to the superintendent of banks the total of deposits received and held by it through its branch office or offices in each such city or locality in which any such branch may be located.

Reports
for branch
banks.

SEC. 4. A new section is hereby added to said act approved March 1, 1909, as amended, to be numbered one hundred thirty-two *a*; and to read as follows:

Sec. 132*a*. Every bank which operates any branch office in any city or locality other than that wherein is located its principal place of business must, whenever publishing in any such city or locality any statement of its condition as a whole, likewise publish in connection therewith the total of deposits received and held by it through its branch office or offices in any such city or locality; *provided*, that if any such bank shall not publish in any such city or locality the statement of its

Publication
of state-
ments cover-
ing business
of branch
banks.

condition as a whole as required by section one hundred thirty-two of this act, then such bank shall publish in such city or locality a sworn statement of the total of deposits received and held by it through its branch office or offices in such city or locality at the time and in the manner required by section one hundred thirty-two.

CHAPTER 94.

An act to add a new section to the Code of Civil Procedure, to be numbered one thousand seven hundred eighteen, relative to the judicial ascertainment and establishment of the presumption of death in certain cases.

[Approved May 2, 1923.]

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

SECTION 1. A new section is hereby added to the Code of Civil Procedure, to be numbered one thousand seven hundred eighteen, and to read as follows:

Judicial
ascertain-
ment and
establi-
shment
of death
in cer-
tain
cases.

1718. When the right of any child to receive state aid, county aid, or state and county aid, under the provisions of chapter two *a* of title five of part three of the Political Code depends upon the presumptive death of the father of such child, any person interested in the welfare of such child may file in the superior court of the county in which such child resides a petition setting forth the facts giving rise to the presumption that the father of such child is dead and praying that such presumption of death be judicially ascertained and established by the court. Upon receiving such petition the clerk of the court shall set a time for the hearing thereof, not less than ten days subsequent to the date of filing, and shall deliver forthwith a copy of such petition, to be furnished by the petitioner, to the district attorney of such county, unless such petition be filed by the district attorney, to which there shall be appended, or endorsed thereon, a statement of the time and place fixed for the hearing thereof.

At the appointed time, or at any subsequent time to which the matter may be continued, the court shall proceed to hear such petition and all objections that may be interposed thereto. If, as a result of such hearing, the court is satisfied that the evidence adduced in support thereof is sufficient to establish the presumption that the father of such child is dead, it shall make an order adjudging such father to be presumptively dead. Upon the filing of such order the clerk shall send a certified copy thereof to the secretary of the state board of control, at Sacramento. The clerk shall not charge or collect any fee for the filing of such petition or for any other service rendered by him under the provisions of this section. A petition once heard and denied shall not be renewed in the same or any other court except upon the ground of newly discovered evidence. Any such subsequent petition shall contain a recital of the former presentation and denial of a similar petition in behalf of such child and shall distinctly set forth a statement of the newly discovered evidence.

CHAPTER 95.

An act to amend sections one, two and three of an act entitled "An act to provide for the establishment and maintenance by fire insurance corporations of guaranty surplus funds and special reserve funds and thereby limiting liability and to provide for the waiver by policyholders of recourse against stockholders of such corporations," approved May 31, 1917, and to add a new section to said act to be numbered section four, relating to guaranty surplus and special reserve funds of fire insurance corporations.

[Approved May 2, 1923.]

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

SECTION 1. Section one of an act entitled "An act to provide for the establishment and maintenance by fire insurance corporations of guaranty surplus funds and special reserve funds and thereby limiting liability and to provide for the waiver by policyholders of recourse against stockholders of such corporations," approved May 31, 1917, is hereby amended to read as follows:

Stats 1917,
p 1378,
amended.

Section 1. Every domestic corporation having a capital stock issuing fire insurance policies may at its option create a guaranty surplus fund and a special reserve fund by the adoption of a resolution by its board of directors at a regular meeting, and by filing with the insurance commissioner a copy thereof, declaring their desire and intention to create such funds and to do business under this and the two following sections. The insurance commissioner shall thereupon make or cause to be made an examination of the condition of such corporation and a certificate of the result thereof, which shall particularly set forth the amount of surplus funds held by it at the date of the examination, and the same may be equally divided between and set apart to constitute guaranty surplus and special reserve funds to the extent necessary to constitute such two funds. Said certificate shall be recorded in the office of the insurance commissioner. Thereafter all policies of fire insurance and renewals of such policies issued by such corporation shall contain a provision that they are issued under and in pursuance of this act, of which this is amendatory, referring to the same by the title of this said act, and all such policies and renewals shall be subject to the provisions of this act, and a policyholder, by accepting the policy, becomes bound thereby. After the passage and filing of such resolution, the corporation shall not make, declare, or pay in any form any dividend upon its capital stock exceeding seven per centum per annum thereon, and upon the surplus funds to be formed thereunder, until after its guaranty surplus fund and its special reserve fund shall have together accumulated to an amount equal to twice the minimum amount of capital required by the laws of this state to be maintained by fire insurance companies admitted to do business in this state; and until such funds shall together amount to a sum equal to twice the minimum amount

Guaranty
surplus fund
and special
reserve
fund may
be created.

Limitation
on amount
of dividend.

Sum
deducted in
estimating
profits.

of capital required by the laws of this state to be maintained by fire insurance companies admitted to do business in this state, the entire surplus profits of the corporation above such annual dividend of seven per centum shall be equally divided between and be set apart to constitute such guaranty surplus and special reserve funds, which funds shall be held and used as hereinafter provided and not otherwise. Any such corporation which shall declare or pay any dividend contrary to the provisions herein contained, shall be deemed to have forfeited its charter. In estimating the profits of any such corporation for the purpose of making a division thereof between the guaranty surplus fund and the special reserve fund, until such funds shall together amount to a sum equal to twice the minimum amount of capital required by the laws of this state to be maintained by fire insurance companies admitted to do business in this state, there shall be deducted from the gross assets of the corporation, including for the purpose the amount of the guaranty surplus fund and the special reserve fund, the sum of the following items:

1. The amount of all outstanding claims.

2. An amount sufficient to meet the liability of the corporation for the unearned premiums upon all of its unexpired policies of every class, which shall be at least equal to the unearned premiums on policies having one year or less to run, and a pro rata proportion of the premiums received on the policies having more than one year to run, and shall be known as the reinsurance liability.

3. The amount of its guaranty surplus fund and its special reserve fund.

4. The amount of its capital.

5. Interest at the rate of seven per centum per annum upon the amount of its capital and of such funds for whatever time shall have elapsed since the last preceding cash dividend. The balance shall constitute the net surplus of the corporation subject to the equal division between the funds as herein provided. When the corporation shall notify the insurance commissioner that it has fulfilled the requirements of this section, and that its guaranty surplus fund and its special reserve fund, taken together, equal twice the minimum amount of capital required by the laws of this state to be maintained by fire insurance companies admitted to do business in this state, he shall make an examination of the corporation and make a certificate of the result thereof; and thereafter such corporation may continue, out of any subsequent profits of its business, to add to such funds, either the whole or only a part thereof, but when any addition is made to the special reserve fund, an equal sum shall be carried to the guaranty surplus fund.

Stats. 1917,
p. 1379,
amended.

Investment
of funds.

SEC. 2. Section two of said act, approved May 31, 1917, is hereby amended to read as follows:

Sec. 2. Such guaranty surplus fund shall be held and invested by such corporation in the same manner as its capital stock and surplus accumulations, and shall be liable and applicable

in the same manner as the capital of the corporation to the payment generally of its losses. Such special reserve fund, until it shall amount to a sum equal to the minimum amount of capital required by the laws of this state to be maintained by fire insurance companies admitted to do business in this state, shall be invested in the same manner as the capital of the corporation, and any additional sum added to such fund shall be invested by the corporation in any securities in which the corporation is by law authorized to invest its capital or its surplus accumulations, and shall be deposited from time to time, as the same shall accumulate and be invested, with the insurance commissioner. Such special reserve fund shall be deemed a fund to protect such corporation and its policyholders other than claimants for losses already existing or then occurred in case of any extraordinary conflagration or conflagrations as hereinafter mentioned, and shall not be regarded as any part or portion of the assets of the corporation so as to be liable for any claim for loss by fire or otherwise, except as herein provided.

No corporation, after it has declared its desire and intention, as provided in section one hereof, to create a guaranty surplus fund and a special reserve fund, shall have the right thereafter to insert in its policy a provision to the effect that the insured, by accepting the policy, waives recourse against the stockholders of the corporation, until such corporation has created, as herein provided, a guaranty surplus fund and a special reserve fund each in amount equal to the minimum amount of capital required by the laws of this state to be maintained by fire insurance companies admitted to do business in this state; but when it has so done, then it may thereafter insert in any policy of fire insurance it may thereafter issue a provision in red ink to the effect that the insured, by accepting the policy, waives any recourse to its stockholders and agrees, in case of making any claim thereunder, to look solely to the assets and property of the corporation as and to the extent herein provided.

Waiver of
recourse
against
stockholders.

Sec. 3. Section three of said act approved May 31, 1917, is hereby amended to read as follows:

Stats. 1917,
p. 1380,
amended.

Sec. 3. When any extensive conflagration or conflagrations shall occur whereby the claims upon the corporation shall exceed the amount of its capital stock and surplus, including said guaranty surplus fund, the corporation shall notify the insurance commissioner of the fact, who shall then make or cause to be made, an examination of the corporation, and shall issue his certificate in duplicate of the result, showing the amounts of capital, of guaranty surplus fund, of special reserve fund, of reinsurance liability, and all other assets. One of such certificates shall be given the corporation, and the other shall be recorded in the office of the insurance commissioner. Such special reserve fund shall be immediately held to protect all policyholders of the corporation other than such as are claimants upon it at the time, or such as become claimants in consequence of such conflagration or conflagrations. The amount

In case of
extensive
conflagra-
tion.

of such special reserve fund, and an amount equal to the unearned premiums of such corporation, to be ascertained as hereinbefore provided, shall constitute the capital and assets of such corporation for the protection of policyholders other than such claimants, and for the further conduct of its business. Such certificate of the insurance commissioner shall be binding and conclusive upon all parties interested in the corporation, whether stockholders, creditors or policyholders. Upon the payment to the claimants for losses or otherwise, existing at the time of or caused by such general conflagration or conflagrations, of an amount to which they are respectively entitled in proportion to their several claims, of the full sum of the capital of the corporation and of its guaranty surplus fund, and of its assets, except only such special reserve fund and an amount of its assets equal to the liability of the corporation for unearned premiums, as certified by the insurance commissioner, such corporation shall be forever discharged from any and all further liability to such claimants and to each of them on any policy of insurance issued after the creation as above provided of the special reserve fund in the amount hereinbefore specified. The insurance commissioner shall, after issuing such certificate, upon the demand of the corporation, transfer to it all such securities as shall have been deposited with him by it as such special reserve fund. If the amount of such special reserve fund shall be less than the minimum amount of capital required by the laws of this state to be maintained by fire insurance companies admitted to do business in this state, a requisition shall be issued by the insurance commissioner upon the stockholders to make up the capital to that proportion of its full amount. If the corporation, after such requisition, shall fail to make up its capital to at least such amount as herein directed such special reserve fund shall be held as security and liable for all losses occurring upon policies of such corporation after such conflagration or conflagrations. If any amount greater than a sum equal to the minimum amount of capital required by law to be maintained by fire insurance companies admitted to do business in this state shall, by such corporation, under the provisions of the two preceding sections, have been deposited, as aforesaid, with the insurance commissioner, he shall retain of such securities a sum equal to one-half of the amount he shall so hold thereof in excess of such minimum amount of capital, and transfer the balance thereof to the corporation as herein provided. The amount so transferred to the corporation shall, from the time of such transfer, if not less than two hundred thousand dollars, constitute the capital stock of the corporation for the further conduct of its business as hereinbefore provided. The sum so retained by the insurance commissioner shall thenceforth constitute the special reserve fund of the corporation, to which additions may be made as herein provided, and shall be held in the same manner, for the same purposes and under the same conditions as the original special reserve fund of the

Corporation
discharged
from
liability.

Transfer of
securities in
special
reserve fund.

corporation was held. The corporation shall in an annual statement to the insurance commissioner set forth the amount of such special reserve fund and of its guaranty surplus fund. If in consequence of the payment of losses by fires, or of the expenses of the business, or of the interest payable under the provisions hereof to stockholders, or from any cause, the guaranty surplus fund shall be reduced in amount below the amount of the special reserve fund, the directors of the corporation shall have the right, at their option, at the time of making any division of the net profits as herein provided, to carry a larger sum to the guaranty surplus fund than to the special reserve fund; but this privilege shall cease when the two funds are made equal in amount. The policy registers, insurance maps, books of record and other books in actual use by the corporation in its business, are not to be considered as assets, but shall be held by it for its use in the protection of its policyholders not claimants for losses at the time of such general conflagration. If after the accumulation of such special reserve fund, it shall appear upon examination by the insurance commissioner that the capital of the corporation has, in the absence of any such extensive conflagration, become impaired, he shall order a call upon the stockholders to make up such impairment, and the board of directors may either comply with such order and require the necessary payments of the stockholders, or, at their option, they may apply for that purpose so much of such special reserve fund as will make such impairment good. No corporation doing business under this and the two preceding sections shall insure any larger amount upon any single risk than is permitted by law to a corporation possessing the same amount of capital irrespective of the funds hereinbefore provided for.

If guaranty
surplus
fund
reduced

If capital
impaired.

SEC. 4. A new section is hereby added to said act, approved May 31, 1917, to be numbered four and to read as follows:

Sec. 4. Any domestic fire insurance corporation which has heretofore established a guaranty surplus fund and special reserve fund may, at a regular meeting of its board of directors, adopt a resolution declaring its desire and intention to discontinue such funds and to cease to do business under and in pursuance of the act of which this is amendatory, and file a certified copy of such resolution with the insurance commissioner.

Discon-
tinuance of
guaranty
surplus
fund and
special
reserve fund

Upon the adoption and filing of such resolution, all rights of such corporation to withhold such special reserve fund from its general creditors shall be terminated and the corporation shall discontinue printing its policies or renewals the notice provided for in sections one and two of said act, and thereafter the provisions of said act shall cease to apply to such corporation; *provided*, that the special reserve fund and guaranty surplus fund of such corporation shall continue to be held and invested as provided in said sections, but only for the purpose of assuring to the holders of policies at the time such resolution is filed with the insurance commissioner such rights and privileges as may inure to them under said act.

Effect.

Return
of fund

At the expiration of five years after the adoption and filing of such resolution by any such corporation, the special reserve fund shall be reduced to an amount equal to the unearned premium upon and all losses incurred and unpaid under any remaining policies which were outstanding at the time of the adoption and filing of such resolution; and the excess of the special reserve fund above such amount shall be returned by the insurance commissioner to such corporation; and when all liabilities under policies which were outstanding at the time of the adoption and filing of such resolution shall have terminated by expiration, cancellation, or otherwise, the entire balance of such special reserve fund shall be returned to such corporation.

Return of
excess
deposit.

If any corporation shall at any time have deposited with the commissioner of insurance under the provisions of this act, a sum in excess of the minimum amount of said special reserve fund herein required to be deposited by such corporation, the commissioner of insurance, upon request of such corporation evidenced by certified copy of a resolution of the board of directors thereof, shall return to such corporation such excess, or the portion thereof, requested to be so returned.

CHAPTER 96.

An act creating a state commission on voting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the immediate result of such elections; and providing for the punishment of all violations of the provisions of this act.

[Approved May 3, 1923.]

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

Voting
machines
may be used
generally.

SECTION 1. At all state, county, city and county, city, town and district elections of any character, primary, general, special or otherwise, hereafter held in the State of California, ballots or votes may be cast, registered, recorded and counted by means of voting machines, as hereinafter provided, and in compliance with section six of article two of the constitution of the State of California.

State
commission
created.

Examination
and approval
of machines.

SEC. 2. The governor, secretary of state and attorney general, and their successors in office are hereby created and constituted the state commission on voting machines. It shall be the duty of said commissioners to examine all voting machines, which may be offered for their inspection, in order to determine whether such machines comply with the requirements of this act, unless the said machine or machines shall have previously received the approval of a majority of said commission as herein provided.

Any machine or machines which shall have the approval of a majority of said commission may be provided for use at elections by the boards authorized so to do under the provisions of this act. The report of said commission on each and every kind of voting machine shall be filed with the secretary of state within thirty days after their examination of said machines and the secretary of state must within five days after the filing of any report approving any machine or machines, transmit to the boards of supervisors or other boards having charge and control of elections in each of the counties, cities and counties, cities or towns of the state, a list of the machines so approved.

No machine or machines shall be used unless such type of machine shall have received the approval of the state commission prior to any election at which such machine or machines are to be first used.

SEC. 3. Any person or corporation owning or being interested in any voting machine may apply to the state commission on voting machines to examine such machine and report on its accuracy and efficiency to register the votes cast thereon. The commissioners shall examine the machine and report accordingly. The report shall be filed in the office of the secretary of state and shall state whether in their opinion the kind of machine so examined can be safely used by such voters at elections, under the conditions prescribed in this act. If the report states that the machine can be so used, it shall be deemed approved by the commissioners and machines of its kind may be adopted for use at elections as herein provided. When the machine has been so approved by the commissioners any improvement or change that does not impair its accuracy and efficiency shall not render necessary a reexamination or reapproval thereof. Any form of voting machine not so approved, or which has not been heretofore examined by said commissioners and reported on pursuant to law and its use specifically authorized by law, can not be used at any election.

Procedure
attending
examination
and approval

For the purpose of assistance in examining such machine the said commissioners may employ not more than three expert machinists at a cost of not more than ten dollars for each day employed. The compensation of said machinists shall be paid by the person or corporation submitting the machine. Within thirty days after completing the examination of any voting machine the commissioners shall make and file with the secretary of state written or printed description and such drawings and photographs as shall clearly identify such machine and the mechanical operation thereof; and within ten days after receiving such report, the secretary of state shall send a copy thereof to the board of supervisors or other board having charge of elections of each of the counties, cities and counties, cities and towns.

SEC. 4. No voting machines shall be approved by the state commission on voting machines unless it be so constructed to fulfill the following requirements: It shall secure to the voter secrecy in the act of voting. It shall provide facil-

Require-
ments
necessary
and optional.

ities for voting for the candidates of as many political parties or organizations as may make nominations, and for or against questions. The voting devices for the candidates at primary elections shall be arranged in separate parallel party lines, one or more lines for each party and in parallel office rows transverse thereto, and for general elections shall conform as nearly as practicable to the form of ballot provided for in section 1197 of the Political Code. No voting machine shall be approved except such as provides in the general election, for grouping, under the name of the office to be voted on, all the candidates for such office with the designation of the parties, if any, by which they were respectively nominated. It shall permit the voter to vote for any person for any office that he shall have the right to vote for but none other. It shall, except at primary elections, permit the voter to vote for all the candidates of one party or in part for the candidates of one party and in part for the candidates of one or more other parties. It shall permit the voter to vote for as many persons for an office as he is lawfully entitled to vote for but no more. It shall prevent the voter from voting for the same person more than once for the same office. It shall permit the voter to vote for or against any question he may have the right to vote on but none other. When used in primary elections it shall be so equipped that the election officials can lock out all rows except those of the voter's party by a single adjustment on the outside of the machine. It shall correctly register or record all votes cast for any and all persons and for or against any and all questions. It shall be provided with a lock or locks by which all operation of the registering mechanism can be prevented as soon as the polls of the election are closed. It shall be provided with a "protective counter," or "protective device" whereby any operating or tampering with the machine before or after the election will be detected. It shall be provided with a counter which shall show at all times during an election how many persons have voted. It shall be provided with a mechanical model, illustrating the manner of voting on the machine suitable for the instruction of voters. It may also be provided with one device for each party, for voting for all the presidential electors of that party by one operation, and a ballot label therefor containing only the words "presidential electors" preceded by the name of the party and followed by the names of the candidates thereof for the offices of president and vice president, and a registering device therefor which shall register the vote cast for said electors when thus voted collectively, and similarly may be provided with one device for each party for voting, at the May presidential primary election, by one operation for such groups of candidates to national conventions as may be voted for as a group according to the provisions of the presidential primary act; *provided, however*, that means shall be furnished whereby the voter can cast a vote in part for the candidates for delegates to a national convention or for presidential electors of

one party and in part for those of one or more other parties or in part or in whole for persons not nominated by any party; *and provided, further*, that no straight party voting device shall be used except for delegates to a national convention or for presidential electors as set forth herein. Voting machines shall provide for the same order of the list of candidates for any office as is provided for in section 1197 of the Political Code.

SEC. 5. The board of supervisors or other board having charge and control of elections in each of the counties, and cities and counties, cities or towns, of the state may adopt for use at elections any kind of voting machine approved by the state commission on voting machines, or the use of which has been specifically authorized by law; and thereupon such voting machine may be used at any or all elections held in any county, city and county, city, town or any political subdivision thereof for voting, registering and counting votes cast at such elections. Voting machines of different kinds may be adopted for different districts in the same county, city and county, city, town or political subdivision thereof. Party nominations may be designated by usual or reasonable abbreviation of party names.

Local boards may adopt approved machines.

The local authorities adopting voting machines shall, as soon as practicable thereafter, provide for each polling place one or more voting machines in complete working order, and shall have the custody thereof and of the furniture and equipment of the polling place when not in use at an election. If it shall be impracticable to supply each and every election district with a voting machine or voting machines at any election following such adoption, as many may be supplied as it is practicable to procure, and the same may be used in such election district or precincts within the county, city and county, city, town or other political subdivision as the officers adopting the same may direct.

Shall supply machines.

SEC. 6. The local authorities of a county, city and county, city or town authorized by the last section to adopt a voting machine may provide for the experimental use, at an election in one or more precincts, of a machine which it might lawfully adopt, without a formal adoption thereof; and its use at such election shall be as valid for all purposes as if it had been lawfully adopted.

Experimental use of machine.

SEC. 7. The board of supervisors or other board having charge of elections of the several counties and cities and counties and the legislative bodies of the incorporated cities, and towns therein, may provide for the payment of a voting machine or machines in such manner and method as they may deem for the best local interest, and also may for that purpose issue bonds, certificates of indebtedness or other obligations which shall be a charge on the county, city and county, city or town. Such bonds, certificates or other obligations may be issued with or without interest, payable at such time or times as the authorities may determine, but shall not be issued or sold at less than par.

Payment for machines.

"Ballot
label."

SEC. 8. That portion of cardboard, paper or other material placed on the front of the machine containing the names of the candidates, or a statement of a proposed constitutional amendment or other question or proposition to be voted on, shall be known in this act as a ballot label. The ballot label shall be caused to be printed and shall be furnished by the county clerk, registrar of voters or other officer having control of elections and shall be printed in black ink on clear white material of such size as will fit the machine and in plain, clear type as the space will reasonably permit.

Sample
ballots.

SEC. 9. The officers or board charged with the duty of providing ballots for any polling place shall provide therefor two sample ballots which shall be arranged in the form of a diagram showing such part of the face of the voting machine as shall be in use at that election. Such sample ballots shall be either in full or reduced size and shall contain suitable illustrated directions for voting on the voting machine. Such sample ballots shall be open to public inspection at such polling place during the election day. In all elections where voting machines are used there shall be furnished a sufficient number of such sample ballots of reduced size, one of which sample ballots shall be mailed by the proper officer to each registered voter at least five days before the day of election. Such sample ballots shall be printed on tinted paper.

Ballot
labels.

SEC. 10. Two sets of ballot labels shall be provided for each voting machine for each election. Such ballot labels shall be delivered to the officer in charge of the voting machines at least ten days before the election.

Preparation
of machines
for elections.

SEC. 11. The county clerk, registrar of voters, or other officer having charge and control of elections in each of the counties and cities and counties, cities or towns of the state, shall cause the proper ballot labels to be placed on the machines corresponding with the sample ballots herein provided for, and the machine in every way put in order, set and arranged, ready for use in voting at such election; and for the purpose of so labeling, putting in order, setting and arranging the machine, shall employ competent persons who shall be sworn to perform their duties honestly and faithfully. No person shall be appointed to serve unless he shall be fully qualified to perform his duties in connection with the complete preparation of the machines for the election and the instructing of the election officers and voters. Said assistants, shall, under the direction of said board or officer having charge and control of the arrangement of the machines, cause said machines to be so labeled, put in order, set, arranged and delivered to the polling places of the election district in which the election is to be held, together with all furniture and appliances necessary for the proper conducting of the election, at least five hours before the time set for the opening of the polls on election day. In preparing a voting machine for an election said officer or officers shall according to the printed directions furnished, arrange the machine and the ballot labels therefor so that it will in every

particular meet with the requirements for voting and counting at such election, and thoroughly test the same. Before preparing a voting machine for any general election written notice shall be mailed to the chairman of the county, city and county, city or town committee of at least two of the principal political parties, stating the time and place where machines will be prepared, at which time one representative of each of such political parties will be afforded an opportunity to see that the machines are in proper condition for use in the election; such representatives shall be sworn to faithfully perform their duties but shall not interfere with the officials or assume any of their duties. When a machine has been so examined by such representative it shall be sealed with a numbered metal seal. Such representatives shall certify to the number of the machines; whether all of the counters are set at zero (000) and the number registered on the protective counter, and on the seal. After the preparation of the machines, an officer or officers or some one duly authorized, other than the person who has prepared them for the election, shall inspect each machine, and report in writing whether all of the registering counters are set at zero (000) and the machine is arranged in all respects in good order for the election and locked, the number registered on the protective counter, and the number on the seal. When a voting machine has been properly prepared for election, it shall be locked against voting, and sealed; and the keys thereof shall be delivered to the board of officials having charge and control of elections, together with a written report, made on blanks furnished stating that it is in every way properly prepared for the election. All voting machines shall be transferred to the polling places in charge of an authorized official, who shall certify to their delivery in good order. Every voting machine shall be furnished with a lantern, or proper substitute for one, which shall give sufficient light to enable electors while in the booth to read the ballot labels and suitable for use by the election officers in examining the counters. The lantern or light fixture shall be prepared in good order for use before the opening of the polls. All voting machines used in any election shall be provided with a screen, hood, or curtain which shall be so made and adjusted as to completely conceal the elector and his action while voting.

SEC. 12. Not less than ten days before each election, the officer in charge of elections shall instruct each board of election officials that is to serve in an election precinct in the use of the machine, and in their duties as members of the board of election in connection therewith; and he shall give to each officer of election that has received such instruction and is fully qualified to properly conduct the election with the machine, a certificate to that effect. For the purpose of giving such instruction the official in charge of elections shall call such meeting, or meetings, of the boards of election as shall be necessary. The board of election of each election precinct in which a voting machine is used, shall attend such meeting, or meetings, as shall be called, for the purpose of receiving such

instruction, concerning their duties as shall be necessary for the proper conduct of the election with the machine. No member of a board of election shall serve in any election at which a voting machine is used, unless he shall have received such instruction and is fully qualified to perform his duties in connection with the machine, and has received a certificate to that effect; *provided, however*, that this shall not prevent the appointment and service of a member of an election board to fill a vacancy in an emergency.

Supplies
for election
boards.

SEC. 13. The county clerk, registrar of voters, or other officer having charge of elections as the case may be, shall cause to be delivered to the inspector or one of the judges of the election not later than twelve hours before the time for opening the polls the keys for the voting machine, which shall be delivered in a sealed envelope on which shall be written the designation and location of the election precinct, the number of the voting machine, the number or other designative mark on the seal, and the number registered on the protective counter, for which a receipt shall be taken on the blank attached thereto, two diagrams, one extra set of ballot labels, one envelope containing seal for sealing the machine after the polls are closed, one envelope for the return of the keys, two statements of the result of the vote cast and all other supplies necessary for conducting the election. The envelope containing the keys shall not be opened until at least two members of the board shall be present at the polling place and shall have examined the envelope to see that it has not been opened.

Statements
of vote cast.

SEC. 14. In each election district where voting machines are used, statements of the result of the vote cast shall be printed to conform with the type of voting machine used, on form approved by the secretary of state. The designating number and letter on the counter for each candidate shall be printed next to the candidate's name on the statements of result of the vote cast. Two such statements shall be used in each such election district. The board must also, before it adjourns, post conspicuously, on the outside of the polling place, a copy of the result of the votes cast at such polling place; such copy of the result must be signed by the members of the board and attested by the clerks. The board must also immediately transmit unsealed to the county clerk or other official in charge of elections a copy of the result of the votes cast at such polling place, which copy must be signed by the members of the board, and which copy shall be open to the inspection of the press and public.

Preliminaries
to opening
polls.

SEC. 15. The board of election of each precinct shall meet at the polling place therein at least three-quarters of an hour before the time set for the opening of the polls at each election, and shall proceed to arrange for the proper conduct of the election. The board shall thereupon cause at least two instruction cards to be posted conspicuously within the polling place. Before opening the envelope all election officers present shall examine the number on the seal on the machine, also the number registered on the protective counter, and shall see

if they are the same as the numbers written on the envelope containing the keys. If the numbers on the seal and protective counter are found to agree with the numbers on the envelope the inspectors shall proceed to open the doors concealing the counters. Before the polls are open for election, each member of the board shall carefully examine every counter and see that it registers zero (000) and the same shall be subject to the inspection of the official watchers. The machine shall remain locked against voting until the polls are formally opened, and shall not be operated except by voters in voting. If any counter is found not to register zero (000), the board of election shall immediately make a written statement of the designating letter and number of such counter, together with the number registered thereon, and shall sign and post same upon the wall of the polling room, where it shall remain throughout the election day, and in filling out the statement of return of votes cast, they shall subtract such number from the number then registered thereon.

SEC. 16. Ballots voted for any person whose name does not appear on the machine as a nominated candidate for office, are herein referred to as irregular ballots. Where two or more persons are to be elected to the same office, and each candidate's name is placed upon or adjacent to a separate key or device, and the machine requires that all irregular ballots voted for that office be deposited, written or affixed in or upon a single receptacle or device, a voter may vote in or by such receptacle or device for one or more persons whose names do not appear upon the machine with or without the names of one or more persons whose names do so appear.

"Irregular
ballots,"
manner of
voting.

In voting for presidential electors, a voter may vote an irregular ticket made up of the names of persons in nomination by different parties, or partially of names of persons so in nomination and partially of names of persons not in nomination, or wholly of names of persons not in nomination by any party. Such irregular ballot shall be deposited written or affixed in or upon the receptacle or device provided on the machine for that purpose.

With these exceptions, no irregular ballot shall be voted for any person for any office whose name appears on the machine as a nominated candidate for that office; any irregular ballot so voted shall not be counted. An irregular ballot must be cast in its appropriate place on the machine, or it shall be void and not counted.

SEC. 17. The exterior of the voting machine and every part of the polling places shall be in plain view of the election officers and watchers. The voting machine shall be placed at least four feet from the poll clerk's table. The voting machine shall be so located in the polling place, that, unless its construction requires otherwise, the ballot labels on the face of the machine can be plainly seen by the election officers when not in use by voters. The election officer attending the machine shall inspect the face of the machine after each voter

Location
and view
of machine.

has cast his vote, to see that the ballot labels are in their proper places.

Instructions
to voters.

SEC. 18. After the opening of the polls, the board shall not allow any voter to enter the voting machine until they ascertain that he is duly entitled to vote. Before each voter enters the voting machine, the board of the election shall, so far as possible, inform him how to operate the machine, and illustrate same upon the model of the machine, and call his attention to the diagram. If any voter shall, after entering the voting machine, ask for information regarding its operation, the board of election shall give him the necessary information. No voter shall remain within the voting machine booth longer than two minutes, and if he shall refuse to leave it after the lapse of two minutes, he may be removed by the board of election.

Certificates
to be signed
by board.

SEC. 19. There shall be printed directions in the statement of result of votes cast to the election officers for their guidance before the polls are opened and when the polls are closed; a certificate of which shall be signed by the election officers before the polls are opened, showing the delivery of the keys in a sealed envelope; the number on the seal; the number registered on the protective counter, whether all of the counters are set at zero (000); whether the public counter is set at zero (000); whether the ballot labels are properly placed in the machine. Also a certificate which shall be filled out after the polls have been closed, that the machine has been locked against voting and sealed; the number of electors as shown on the public counter; the number on the seal; the number registered on the protective counter, and that the voting machine is closed and locked. The statement of result of votes cast shall show the total number of votes cast for each office, the number of votes cast for each candidate as shown on his counter, and the number of votes for persons not nominated, which shall be certified by the board of election. As soon as the polls of the election are closed, the board of election shall immediately lock the voting machine against voting, and open the counting compartments, in the presence of the watchers and all other persons who may lawfully be within the polling place, giving full view of all counter numbers. The chairman of the board of election shall, in the order of the offices as their titles are arranged on the machine, read and announce in distinct tones the designating number and letter on each counter for each candidate's name, the result as shown by the counter numbers, and shall then read the votes recorded for each office on the irregular ballots. He shall also in the same manner announce the vote on each constitutional amendment, proposition or other question. The vote as registered shall be entered on the statements of result of votes cast, in the same order on the space which has the same designating number and letter, after which the figures shall be verified by being called off in the same manner from the counters of the machine by another member of the board. The counter compartment of the voting machine shall remain open

Statement
of votes
cast, what
to show
and how
prepared.

Verification.

until the official returns and all other reports have been fully completed and verified by the election board. During such time any candidate or watcher who may desire to be present shall be admitted to the polling place. The proclamation of the result of the votes cast shall be deliberately announced in a distinct voice by the board of election who shall read the name of each candidate, with the designating number and letter of his counter, and the vote registered on such counter; also the vote cast for and against each question submitted. During such proclamation ample opportunity shall be given to any person lawfully present to compare the result so announced with the counter dials of the machine and any necessary corrections shall then and there be made by the election board, after which the doors of the voting machine shall be closed and locked. Before adjourning the board shall, with the seal provided therefor, so seal the operating lever and lock the machine that the voting and counting mechanism will be prevented from operation.

Who may be present.

Proclamation of result

SEC. 20. The board of election shall, as soon as the count is complete and fully ascertained, lock the machine against voting and it shall remain locked and sealed against operation until the time for filing contest of election has expired which shall not exceed a period of thirty (30) days following any state, primary, general or special election or a period of eight (8) days following any city, city and county, town or other election, held by any municipal corporation or subdivision of this state at which voting machines are used in any or all of the precincts.

Machine to be kept locked and sealed until end of contest period.

SEC. 21. The keys of the machine shall be enclosed in an envelope which shall be supplied by the officials on which shall be written the number of the machine and the precinct and other district where it has been used, which shall be securely sealed and indorsed by the election officers, and shall be so returned to the officer from whom they were received. The number on the seal and the number registered on the protective counter, shall be written on the envelope containing the keys. A public officer who, by any provision of law, is entitled to the custody of a machine for any period of time shall be entitled to the keys therefor while such machine is in his charge. It shall be unlawful for any unauthorized person to have in his possession any key or keys of any voting machine used in an election; and all election officers, or persons entrusted with such keys for election purposes, or in the preparation of the machine therefor, shall not retain them longer than necessary to use them for such legal purpose.

Custody of keys.

SEC. 22. Whenever it shall appear that there is a discrepancy in the returns of any election precinct, the county clerk, registrar of voters or other official in charge and control of elections shall summon the board of election thereof and said board shall, in the presence of said official make a record of the number of the seal and the number on the protective counter, open the counter compartment of said machine, with-

Recount of votes where discrepancy in returns.

out unlocking said machine against voting, and shall recanvass the vote cast thereon.

Election
precincts.

SEC. 23. For any election in any county, city and county, cities or towns in which voting machines are to be used, the election precincts in which such machines are to be used may be created, united, divided or combined by the officers charged with the duty of creating election precincts, at any time on or before the fortieth day preceding any election.

Election
boards.

The board of election where voting machines are used shall consist of one inspector and two judges; the judges shall act as clerks, provided where more than one voting machine is used in any precinct there shall be appointed an additional inspector for each additional machine.

Application
of other
laws.

SEC. 24. All the provisions of the Political Code, the Penal Code, and the general laws relating to elections, of the primary election laws, and of any city, or city and county, charter or ordinance not inconsistent with this act shall apply to all elections in districts or precincts where voting machines are used; and any provision of law, or of any city, or city and county charter, or ordinance, which conflicts with the use of such machines as herein set forth, shall not apply to the districts or precincts in which voting machines are used; and all acts, or parts of acts, or city, or city and county charters, or ordinances, in conflict with any of the provisions of this act, shall be of no force or effect in election districts or precincts where voting machines are used.

Misconduct
at elections.

The provisions of the penal laws and election laws relating to misconduct at elections shall apply to elections with voting machines.

Offenses
concerning
voting
machines.

Any person, who shall, before or during an election, tamper with any voting machine; or who shall interfere, or attempt to interfere, with the correct operation of the voting machine, or the secrecy of voting; or shall wilfully injure a voting machine, to prevent its use; or, any election or police officer, or any one employed to assist in the care or arrangement of the voting machine, or any unauthorized person who shall make or have in his possession a key to a voting machine that has been adopted and will be used in elections in this state shall be guilty of a felony, punishable by imprisonment in a state prison for not less than one year nor more than fourteen years.

Definitions.

SEC. 25. The list of offices and candidates, and the statements of questions used on the voting machines shall be deemed an official ballot and the words "ballot labels," as used in this act shall mean the cards, paper, or other material containing the names of officers and candidates, and statements of questions to be voted on. The word "diagram" shall mean an illustration of the official ballot when placed upon the machine, showing the names of the parties, offices and candidates, and statements of the questions in their proper places, together with the voting device therefor, and shall be considered a sample ballot. The word "question" shall mean a statement of such constitutional amendment or other proposition as shall be submitted

to a popular vote at any election; *provided, however*, the ballot labels for "questions" shall contain a condensed statement of not more than twenty words, of each question to be voted on, accompanied by the words "Yes" and "No." The words "irregular ballot" shall mean the paper or other material on which a vote is cast for persons whose names do not appear on the ballot labels. The word "vote indicator" shall mean those devices with which votes are indicated for candidates, or for or against questions. The word "counters" shall mean the counters on which are registered the votes cast for candidates and on questions. The words "public counter" or "protective counter" shall mean a counter or device that will register each time the machine is operated and shall be so constructed, and so connected that it can not be reset, altered or operated, except by operating the machine. The words "voting machine booth" shall mean the enclosure occupied by the voter when voting. The word "model" shall mean a mechanically-operated model of a portion of the face of the machine illustrating the manner of voting. The words "statement of votes cast" shall mean a statement and return in book or sheet form of the votes cast at any election together with suitable certificates of its correctness.

CHAPTER 97.

An act to legalize and declare valid all proceedings in Klamath-Shasta valley irrigation district.

[Approved May 3, 1923.]

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

SECTION 1. Klamath-Shasta valley irrigation district, in Siskiyou county, as formed by the board of supervisors of Siskiyou county, State of California, and as now existing, is hereby legalized and declared valid and all proceedings on organization and formation are hereby approved and declared valid.

Klamath-Shasta valley irrigation district validated.

CHAPTER 98.

An act to amend section three thousand two hundred sixty-five of the Civil Code, relating to negotiable instruments.

[Approved May 3, 1923.]

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

SECTION 1. Section three thousand two hundred sixty-five of the Civil Code is hereby amended to read as follows:

3265. A negotiable promissory note within the meaning of this title is an unconditional promise in writing made by one person to another, signed by the maker, engaging to pay on demand, or at a fixed or determinable future time, a sum

Promissory note defined.

certain in money to order or to bearer but the negotiability of a promissory note otherwise negotiable in form, secured by a mortgage or deed of trust upon real or personal property shall not be affected or abridged by reason of a statement therein that it is so secured, nor by reason of the fact that said instrument is so secured nor by any conditions contained in the mortgage or deed of trust securing the same. Where a note is drawn to the maker's own order it is not complete until indorsed by him.

CHAPTER 99.

An act to provide for the appointment of a commission to consist of the attorney general and state engineer to confer with a commission of the state of Arizona in respect to the location and re-location of the common boundary of said states, and to report concerning the same and concerning an agreement between said states as to measures for the straightening, controlling and improvement of the channel of the Colorado river, and to provide for the expenses of said commission.

[Approved May 3, 1923.]

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

A commis-
sion provided
to confer
with an
Arizona
commis-sion.

SECTION 1. The governor of the State of California is hereby authorized and directed to appoint a commission for the purposes hereinafter set out. Said commission shall consist of the attorney general and the state engineer. The governor is further empowered and directed to forward a copy of this act to the governor of the state of Arizona and to request that the governor or legislature of that state appoint representatives of and for the state of Arizona to confer with and act in conjunction with said commission for the purposes hereinafter specified, provided that said state of Arizona will pay all expenses and charges of said representatives so appointed on its behalf.

The joint
commis-sion
to consider
and report
on boundary
and Colorado
river
questions.

SEC. 2. It shall be the duty of said commission to confer and act in conjunction with said representatives to be appointed on behalf of the state of Arizona, for the following purposes, to wit:

(a) To investigate and report as to the location of the common boundary between the two states, in respect to the present channel of the Colorado river from the southern boundary of the state of Nevada to the international boundary between the United States and Mexico, especially in the localities of the Palo Verde valley, State of California, and the Parker and Cibola valleys, state of Arizona.

(b) To investigate and report as to the necessity and advisability of relocating said common boundary in said localities, and elsewhere, and if such relocation is deemed advisable, to make recommendations as to defining or relocating said boundary.

(c) To investigate and report as to the necessity and advisability of an agreement between said two states, permitting either state or any agency or political subdivision thereof, to straighten, control and improve the channel of said river in said localities.

(d) To hold such hearings and conferences, in either of said two states, as may be requisite in the premises.

(e) To report to the governor of this state, prior to the session of the legislature in the year 1925, the findings and recommendations of said commission, looking toward joint action by this state and the state of Arizona in the premises.

SEC. 3. Said commission is authorized to expend in and about the performance of its duties such sums appropriated for the use and support of the department of the attorney general and of the state engineer, as said commission may find necessary.

Expenses to be paid from departmental appropriations.

CHAPTER 100.

An act to amend the title and an act entitled "An act declaring and establishing a state highway from the town of Truckee running in a northeasterly direction along the present traveled road to the Nevada state line near Verdi," approved April 15, 1919.

[Approved May 3, 1923.]

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

SECTION 1. The title of an act entitled "An act declaring and establishing a state highway from the town of Truckee running in a northeasterly direction along the present traveled road to the Nevada state line near Verdi" approved April 15, 1919, is hereby amended to read as follows:

Stats 1919, p. 102, amended.

An act declaring and establishing a state highway from the town of Truckee running in a northeasterly direction to the Nevada state line at or near Verdi.

title.

SEC. 2. Said act, approved April 15, 1919, is hereby amended to read as follows:

Section 1. A certain highway in Nevada and Sierra counties, described as follows: From a point in the town of Truckee, where the present state highway branches at the subway under the Southern Pacific tracks, going toward Lake Tahoe, continuing through the town of Truckee and by the most practicable route to the Nevada state line at or near Verdi, Nevada, is hereby declared to be and the same is hereby constituted a state highway, and the same is hereby placed under the supervision and control of the California highway commission of the state department of public works; *provided*, that the said state department of public works, acting by and through said California highway commission, is empowered and authorized to make all necessary surveys for and to change the route and location of said highway between said termini whenever and wherever and to such extent (even including along the

State highway from Truckee to Nevada.

Truckee river) as it may deem such action expedient and in making any such change of route or location it may in its discretion, by formal resolution vacate or abandon as state highway the whole or any portion or portions of any heretofore existing state highway or state maintained highway between said termini which may not be included within such changed route or location.

CHAPTER 101.

An act to declare valid the formation, organization and existence of Stinson irrigation district, and to ratify and confirm all proceedings on organization thereof.

[Approved May 3, 1923.]

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

Stinson
irrigation
district
validated.

SECTION 1. The formation, organization and existence of Stinson irrigation district is hereby legalized, ratified, confirmed and declared valid, and all proceedings on organization and formation thereof are hereby ratified and approved.

CHAPTER 102.

An act providing for the organization and government of drainage districts and providing for the acquisition, construction, maintenance and operation of drainage works to drain or protect lands and other property within the district from the effects of water and providing for the levying of assessments and the collecting of funds for paying the costs thereof and for the issuing and sale of bonds and providing for the control and disposition of drainage water.

[Approved May 4, 1923.]

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

Title
holders and
acreage
necessary
to petition
for drainage
district.

SECTION 1. Whenever fifty, or a majority, of the holders of title or evidence of title who shall hold a majority in acreage or two-thirds the holders of title or evidence of title holding one-third in acreage of the land in any body of wet, swamp or overflowed lands or lands otherwise needing drainage or irrigated lands, which through the use of water on said lands contribute to the need for drainage on other lands within the proposed district, situated in one or more counties in this state, the whole or any part of which may be within or without the exterior boundaries of any municipal corporation or corporations, shall desire to form a drainage district for the purpose of having such lands or other property reclaimed or protected from the effects of water, for agricultural or sanitary purposes when such drainage district will be conducive to the public health, convenience or welfare or be of general public benefit, they may proceed under the provisions of this act.

The equalized county assessment roll next preceding the presentation of the petition shall be sufficient evidence of title for the purposes of this act, except that where property is assessed to unknown owners or the assessment roll does not purport to give the true name, or gives the names of a portion only of the owners of any parcel, the actual owners of said property shall be considered the owners for all the purposes of this act and owners of undivided interests may sign for such interests and each such owner shall be considered as one owner; *and provided, further,* that guardians, executors, administrators or other persons holding property in a trust capacity under appointment of court may sign any petition provided for in this act, when authorized by an order of court. Any person owning land within the proposed district whose ownership does not appear on the assessment roll may by making affidavit of such ownership be accorded the privileges of this act. Any transfer of title made for the purpose of establishing or defeating the prayer of said petition, and not made in good faith and for a valuable consideration, shall be taken and held to be a fraud, and for the purposes of this act the grantee therein shall not be considered as the owner of the land described therein. Such illegal signing however shall not invalidate such petition when there shall be found a sufficient number of legal petitioners.

Who deemed
owners and
entitled
to sign
petition.

SEC. 2. In order to propose the organization of a drainage district, a petition shall be presented to the board of supervisors of the county in which the lands within the proposed district, or the greater portion in acreage thereof, are situated, signed by the required number of holders of title or evidence of title, which petition shall recite that the public health, convenience, welfare or benefit will be promoted and shall set forth the name and the boundary lines of the proposed district and if any of the owners of land in said district are non-residents of the county or counties in which the proposed district lies, the petition shall be accompanied by an affidavit giving the names and post-office addresses of such non-residents, if such are known, and if unknown shall state that upon diligent inquiry their names or post-office addresses, whichever may be the fact, can not be ascertained. The petitioners must accompany the petition with a good and sufficient bond, to be approved by the board of supervisors, in the sum of double the amount of the probable cost of organizing such district, conditioned that the obligors will pay all the costs in case such organization is not effected. Any petition provided for by this act may consist of any number of separate instruments which, either before or at the time of presenting to the board of supervisors, shall be incorporated into one instrument and thereafter be considered as one petition. Signatures to the petition may be withdrawn at any time before the publication is commenced as in section four required, by filing a declaration, signed by the petitioner with the board of supervisors before which the petition was presented, stating that it is the

Contents of
petition.

Bond for
costs.

Withdrawal
of signatures.

intention of the petitioner to withdraw therefrom, which declaration shall be acknowledged in the same manner as conveyances of real estate are required to be acknowledged.

Appointment
of engineer
to investi-
gate and
report.

SEC. 3. Said petition shall be presented at a regular meeting of said board of supervisors who shall forthwith appoint a competent drainage engineer to be selected by the petitioners and subject to the approval of the said board. The board of supervisors shall determine the rate of compensation to be paid the engineer for preliminary surveys and report. The engineer so appointed shall ascertain and report to the board of supervisors (1) the limits of the region which will be benefited by the work necessary to accomplish the purposes of the petition; (2) whether such work will be conducive to the public health, safety, convenience or welfare, or be of general public benefit; (3) describe in a general way the plans necessary therefor, together with (4) a map showing the territory that should be included in said district and in general, the location and nature of the tentative plans proposed; and (5) give an approximate estimate of the cost of the construction thereof; *provided, however*, that said surveys, report and estimate of cost shall be considered as preliminary only and shall not restrict or hinder the board of directors of said drainage district if found to be inconsistent or incomplete by such surveys and plans as are hereinafter provided for.

Order for
hearing.

SEC. 4. At the next regular meeting of the board of supervisors after the filing of the report of the engineer as provided for in section three, said board shall by order fix a date for hearing the petition which shall not be less than one month or more than two months after such order. Said board

Notice.

of supervisors shall give notice, to all persons interested, of said petition and of said order setting the date of hearing thereof in the manner provided for in section six of this act. Said notice shall contain a copy of the petition and all the names signed thereto and also a copy of the order setting the date for the hearing thereof, and shall further notify all persons interested to file objections, if any they have, to the granting of said petition, on or before the date set for said hearing. The date of the last publication of said notice shall not be less than one week or more than five weeks from the date of said hearing. Within five days after setting the date for hearing said petition by the board of supervisors, the clerk of said board of supervisors shall send a copy of said notice and a copy of the engineer's preliminary report including all maps, estimates and plans accompanying said report to the state engineer, who, before the date set for hearing, shall make, or cause to be made, at the expense of the proposed district, such an investigation as may be practicable with a view to determining the feasibility of the project to be undertaken. He shall report his findings in the matter in writing to the board of supervisors from which said notice was received on or before the date set for hearing. If the state engineer reports against the proposed project or any portion thereof, the board of supervisors may adjourn the

Investigation
by state
engineer.

Effect of
an adverse
report.

hearing for one month, which may then be dismissed or may be continued from time to time but not to exceed eight weeks in all; *provided*, that the board of supervisors may modify the petition for the proposed district in accordance with the recommendations of the state engineer or the petitioners and grant the same. Failure by the state engineer to file such report shall not invalidate the organization of any district, nor shall the board of supervisors, because of failure to receive a report from the state engineer, delay the proceedings for a longer period than is allowed herein except upon written request from the state engineer for an extension of time in which to make said examination.

Failure to report.

SEC. 5. At said hearing the board of supervisors shall determine whether or not said petition complies with the requirements hereinbefore set forth and the affidavit of any three or more of the petitioners that they have examined said petition and are acquainted with the locality of said proposed district and that the said petition is signed by the required number of land owners, may be taken as prima facie evidence of the facts stated therein, and whether or not the notice has been given as required, and said board must hear all competent and relevant testimony offered in support of or in opposition thereto and shall make such changes in the proposed boundaries as it may deem advisable and shall define and establish such boundaries, but said board of supervisors shall not modify such boundaries so as to exclude from such proposed district any land which may be benefited by the drainage works of the proposed district, or any irrigated lands which through the use of water thereon contribute to the need for drainage in the proposed district, or deprive itself of jurisdiction. During the time of the hearing any person, corporation, guardian, executor, administrator or other person owning and controlling land that will be benefited by the drainage works of the proposed drainage district may petition the board of supervisors to have such land included. If said petition is granted it shall become a part of the original petition and said owner or owners shall thereafter be considered as having signed the original petition and shall be subject to all conditions imposed on other petitioners. After hearing all of the evidence to be submitted the board of supervisors must by resolution either dismiss or grant the petition as presented or as altered by it. The dismissal of such petition shall be without prejudice to a new petition covering the same or other matter at this or any future meeting of the board of supervisors. Upon the passing of any resolution to dismiss or to grant the petition as herein provided, the board of supervisors shall make an order setting forth all of the facts, which shall be entered in the minutes of the said board of supervisors and a copy thereof shall be filed in the office of the state engineer. A certified copy of such order shall be immediately filed for record in the office of the county recorder of each county in which any lands

Hearing.

Changes in boundaries.

Action on petition.

Order.

embraced in such district or proposed district are situated, and from and after such filing of any resolution granting the petition the organization of the district shall be complete.

Notice,
how given.

SEC. 6. Whenever as in this act provided, it is necessary to give notice of any meeting, hearing, or any other proceedings the giving of said notice, unless otherwise provided, shall follow as far as practicable the procedure herein provided.

(1) Publi-
cation.

First, publication not less than once each week for two consecutive weeks in some newspaper of general circulation published in the county in which the district is situated, if in more than one county then in a newspaper of general circulation published in each such county. Second, by posting a printed copy of said notice for a period of not less than ten days in at least five public places in the district or proposed district at least two of which posted notices must be in each county in which any portion of the district or proposed district

(2) Posting

is situated. Third, by mailing within three days after the first publication a printed copy of said notice to each non-resident owner whose post-office address is known. The certificate of the clerk or the affidavit of any other person, affixed to a copy of said notice shall be sufficient evidence of the posting, mailing, and publication of said notices.

(3) Mailing.

Validity of
organization.

SEC. 7. The board of directors or any holder of title or evidence of title to land lying in a district organized under the provisions of this act may at any time after the organization is complete bring an action in the superior court of the county in which said district was organized to determine the validity of the organization of said district. Such action shall be commenced by filing a petition reciting the boundaries of said district and the steps taken in such organization and concluding with a prayer that said district be declared to be a drainage district legally organized and existing under this act. Such action shall be in the nature of a proceeding in rem and jurisdiction of all parties interested may be had by publication of summons at least once a week for three weeks in some newspaper of general circulation published within the county and jurisdiction shall be complete within ten days after full publication of such summons as herein provided. At any time before the expiration of said ten days any interested party may appear and contest the validity of such organization. Such action shall be speedily tried and judgment rendered declaring that said district is or is not a drainage district legally organized and existing under this act. Either party shall have the right to appeal within thirty days after entry of such judgment, which appeal shall be entitled to early hearing and determination.

Validity
of bonds.

At any time after the execution of any bonds of said district by the board of directors before or after the sale of said bonds, said board or any interested party may bring a like action in such court to determine the validity of such bonds. In such action the petition shall recite the boundaries of said district and the steps taken toward the execution of said bonds

and shall conclude with a prayer that the said bonds and the coupons attached thereto be declared to be legally executed and valid and existing obligations of said district. Upon like proceedings the court shall hear and determine said action and render judgment subject to like appeal that said bonds and coupons are or are not legally executed and valid and existing obligations of said district.

SEC. 8. At the time of, or within two weeks after, the granting of any petition for the formation of a drainage district as hereinbefore provided the board of supervisors shall appoint three competent and qualified persons to act as directors of said drainage district, and designate their terms of office which shall continue for three, two and one years respectively after the date of the first annual meeting. At the last regular meeting of the board of supervisors preceding the annual meeting of the board of directors of the drainage district as provided for in section twenty-eight of this act, the board of supervisors shall appoint one competent and qualified person to succeed in office the director whose term expires at the time of said annual meeting. Said director shall hold office for three years or until his successor is appointed and qualified. In case a vacancy occurs on the board of directors of the drainage district, the board of supervisors shall appoint a qualified person to fill such vacancy for the period of the unexpired term: *provided, however*, that upon petition signed by at least fifteen per cent of the property holders in any district organized under the provisions of this act the board of supervisors may call an election at which time a director or directors, as the case may be, shall be elected. If said director to be elected is to succeed in office a director whose term expires at the time of the annual meeting said petition praying for said election must be filed with the board of supervisors on or before their last regular meeting in November and said election shall be held prior to but not more than two weeks from the date of the annual meeting provided for in section twenty-eight of this act.

Directors,
appointment
and tenure
of office.

May be
elected.

Notice of an election of director or directors shall be given in the manner provided for in section six of this act and shall be held so far as practicable in accordance with the provisions of section twenty-five of this act.

SEC. 9. No person shall become a director of any drainage district organized under the provisions of this act who is not the holder of title or evidence of title to land within the district and a qualified elector of the State of California. The office of any director of a drainage district organized under this act shall become vacant when such director, for any reason, does not possess the qualifications herein provided and such vacancy shall be filled as hereinbefore provided.

Qualifica-
tions of
directors.

SEC. 10. Each director before entering upon his official duties shall take and subscribe to an oath before some officer authorized by law to administer oaths, that he will honestly, faithfully and impartially perform the duties devolving upon

Director's
oath and
bond.

him in office as director of said drainage district, and that he will not neglect any of the duties imposed upon him by this act. Upon taking the oath of office each director shall give a bond to the State of California for the benefit of said drainage district for the faithful performance of his duties as director in the penal sum of two thousand dollars, said bond to be acceptable to and filed with the board of supervisors.

Organization
of board.

SEC. 11. Immediately after taking the oath of office, the directors shall meet and organize as a board and shall elect a president, secretary and treasurer from among their own number.

Duties of
president.

It shall be the duty of the president to call and preside at all meetings of the board of directors, sign all bonds issued and all warrants drawn on the treasurer, and all contracts and other documents, and the minutes of all meetings at which he is present. In case of his absence from a meeting the treasurer shall act as president pro tempore.

Duties of
secretary.

It shall be the duty of the secretary to give notice of, and keep the minutes of all meetings, and to prepare and have custody of all records and papers, and to have custody of the seal of the district. He shall countersign all bonds issued and all warrants drawn on the treasurer, all contracts and other documents, and shall sign the minutes of all meetings at which he is present. He shall prepare the annual report and any other report required and shall prepare all notices of bond sale, call for bids, etc. In case of his absence from a meeting, the treasurer shall act as secretary, pro tempore.

Duties of
treasurer.

It shall be the duty of the treasurer to file a surety bond with the secretary of the board of directors in such sum as it shall require, conditioned on the proper care and handling of the bonds, warrants, and funds of the district, and on a true rendition of financial accounts. He shall sign such documents as require his signature, checks against warrants drawn on him by the president and the secretary, and the minutes of all meetings at which he is present. He shall have custody of all funds of the district except the bond fund and shall pay out money only on warrant duly supported by certified vouchers. He shall prepare an annual report of receipts and disbursements, and monthly statements of accounts.

Compensa-
tion.

The members of the board of directors shall receive as compensation for attending to business for and in behalf of said district the sum of ten dollars per day for time actually engaged in work for the district, and their actual necessary expenses. The premiums on all surety bonds required of officers of the district by sections ten and eleven of this act shall be paid by the district.

Meetings.

SEC. 12. The board of directors shall hold a regular monthly meeting in its office at such time as it shall fix by a resolution duly entered upon the minutes, and when the time for such monthly meeting has been fixed it can not again be changed for three months, and it can only be changed upon resolution passed at least one month prior to the time such

change shall take effect. At each regular meeting the minutes of the previous regular meeting and of all special meetings held since the last preceding regular meeting must be read. Such special meetings may be held as may be required for the proper transaction of the business; *provided*, that all special meetings must be called by the president after all members of the board of directors have been notified of such meeting; *provided, also*, that any special meeting may be held at a place other than the office of said district. All meetings of the board of directors must be public, and a majority of the members shall constitute a quorum. The board of directors at the last regular meeting preceding the annual meeting shall render and immediately thereafter cause to be published a verified statement of the financial condition of the district, showing particularly the receipts and disbursements during the last preceding year, together with the sources of such receipts and the purposes of such disbursements. Such publication shall appear at least once prior to the date of the annual meeting in some newspaper published within the county or counties in which the district is located. A copy of such financial statement shall be forwarded to the state engineer and also to the board of supervisors of each county in which any portion of the district is situated.

Annual
financial
statement.

SEC. 13. Whenever in the opinion of the board of directors of any drainage district it will be to the best interests of said district to obtain a vote of the owners of land within the district on any subject relating to the affairs of the district it may call a special election. Notice of said special election shall be given in the manner provided for in section six. At any special election the wishes of the owners as shown by a majority of the votes cast shall govern so far as is practicable the actions of the board of directors.

Advisory
elections.

Nothing in this section shall be held to prohibit the board of directors from holding any mass meeting or other gathering of any or all of the owners in the district for the purposes of discussion with them or obtaining from them an expression of opinion on any subject relating to the affairs of the district, which mass meeting may be called at the time of any regular or special meeting of the board of directors and notice thereof may be given in any manner which the board of directors may from time to time approve; *provided*, that it shall be left to the discretion of the board of directors as to the action taken by it on any opinion expressed at such mass meeting.

Meetings
with owners.

SEC. 14. Any holder of title or evidence of title to land or other property within the district, may vote at any election or meetings either in person or by authorized proxy. All proxies presented and voted shall be filed with the election returns and become a part of the records of the district. The secretary or authorized representative of any company or corporation owning lands or other property or guardians, executors, administrators or other persons holding property in a trust capacity under appointment by court may vote for such land

Qualifica-
tions of
voters.

owners. Any person entitled to vote may cast one vote for each one hundred dollars or fraction thereof of equalized benefits as provided for in section twenty-two of this act; *provided*, that when any vote is taken prior to such equalization of benefits each person shall be entitled to cast one vote for each acre held by him within the boundaries of the district as established according to the provisions of section five of this act, and that any person owning or controlling one or more non-contiguous areas of less than one acre shall be entitled to cast one vote for each such area.

Powers and
duties of
board of
directors.

SEC. 15. The board of directors shall have the power and it shall be its duty to manage and conduct the business and affairs of the district, make and execute all necessary contracts, appoint an engineer and an attorney and employ such other agents, officers and employees as may be required, fix their compensation and prescribe their duties. The board of directors and its agents and employees shall have the right to enter upon any land to make surveys and may locate the necessary drains and any other works thereon which are deemed desirable or necessary to accomplish the object of the district. The board of directors shall also have the right to acquire by purchase, lease, contract, condemnation, or other legal means, all lands and other property necessary for the construction, use, maintenance, repair, improvement, or protection of any drain or other works which are deemed necessary. The board of directors may also construct any and all necessary drains or any other works and do any and every lawful act necessary to be done that the lands and other property within the district may be drained and protected from the effects of water.

The board of directors in the name of the drainage district, is hereby authorized and empowered to take conveyances, leases, contracts and other assurances to all property acquired by it under the provisions of this act, and to institute and maintain any and all actions and proceedings, suits at law or in equity, necessary or proper in order fully to carry out the provisions of this act, or to enforce, maintain, protect or preserve any and all rights, privileges and immunities created by this act, or acquired in pursuance thereof, and in all court actions, suits, and proceedings, the said board of directors may sue or be sued and appear and defend in person or by attorney. It shall be the duty of said board of directors to establish equitable by-laws, rules and regulations for the use and protection of the works and for the administration of the affairs of the district the board of directors shall create separate and distinct funds to be known as the general fund, the construction fund, the bond fund, and the maintenance fund.

Attorneys.

SEC. 16. The board of directors shall as soon as practicable after organization appoint a practicing attorney who may be an individual or partnership. The board of directors may by an order duly entered on the records of the district specify the compensation of said attorney or the board of directors may leave the fixing of said compensation to the board of supervisors of the county in which the district was organized.

Such attorney, under direction of the board of directors, shall conduct all legal proceedings and suits in court where the district is a party or interested and shall in all legal matters advise and consult with the board of directors and other officers or employees of said district, and generally look after and attend to all matters of a legal nature for said district. The board of directors may under like terms and conditions as above set forth retain other attorney or attorneys.

SEC. 17. The board of directors shall as soon as practicable after organization appoint an engineer, who may be an individual, partnership, firm, or corporation, and fix his compensation. Engineer: appointment, duties and reports.

The engineer shall make all the necessary surveys, plans, specifications and have charge of all of the engineering and construction work of the district. He shall whenever requested by the board of directors be present at any special or regular meeting and shall make such reports and in such manner as requested.

At or before the regular meeting of the board of directors which precedes the annual meeting, the engineer shall make an annual report showing the progress of any engineering work including construction, repair and maintenance done during the preceding year. Said report of the engineer when adopted by the board of directors shall become a part of its annual report.

Upon receipt of the final report of the engineer concerning surveys made of the lands and other property in the district and the plans and specifications for draining, reclaiming or protecting the same, the board of directors shall examine and may adopt such report or modification thereof and thereafter such adopted report shall be the plan for draining, reclaiming, or protecting such lands and other property, and it shall be known as "the plan for drainage," which plan shall be filed with the secretary of the board of directors and by him made a part of the records of the district. If the work to be constructed is of such a nature and in such location as to be within the jurisdiction of the state reclamation board, the approval of said board shall be obtained before the plans are adopted. "Plan for drainage."

SEC. 18. The board of directors of any drainage district organized under the provisions of this act shall, as soon as appointed and qualified, levy a uniform tax, to be designated and hereafter known as the "organization tax," which tax shall not exceed two dollars per acre upon each acre of land within the district as defined in the order of the board of supervisors creating such district, to be used for the purpose of paying expenses incurred or to be incurred in organizing said district, making surveys of the same and assessing the benefits and awarding damages and to pay other expenses necessary to be incurred before other funds are available. Said organization tax immediately shall become due and payable at the office of the treasurer of the district and shall become delinquent sixty days after date of notice, and shall "Organization tax."

bear interest thereafter at the rate of twelve per cent per annum.

Tax list.

As soon as said organization tax is levied the secretary of the board of directors shall prepare a list of said taxes which shall be signed and certified to by the president and secretary of the board of directors, attested by the seal of the district, and the same shall thereafter become a permanent record in the office of the secretary.

Notice.

The board of directors shall immediately upon the completion of the organization tax list give notice thereof as prescribed in section six of this act, describing the property to be taxed, the number of acres, rate per acre and total amount of tax, the place for paying same and the date said tax becomes delinquent.

Record of payment.

Upon payment of any organization tax the treasurer of the district shall give his receipt therefor and preserve a record showing the amount paid, date of payment and the name of the person making such payment.

Added land subject to tax.

Not more than one organization tax shall be levied in any district organized under the provision of this act; *provided, however,* in case the boundary lines of the district be extended under the provisions of a subsequent section of this act so as to include lands not described in the order creating the district, the same uniform organization tax shall apply to such lands as soon as the same shall have been annexed and included in the district. In case the sum from such organization tax exceeds the total cost of items for which same has been levied, the surplus shall be placed in the general fund of the district and be credited to the assessment for the construction fund.

Delinquent taxes.

SEC. 19. Immediately after the expiration of the date on which organization taxes are delinquent the secretary of the district shall transmit a certified copy of that part of said organization tax list which is delinquent, affecting land in each county, to the tax collector of each county in which lands of said district are situated, who shall collect such taxes at the same time and in the same manner as delinquent state and county taxes and when collected shall pay the same to the treasurer of said district.

Directors to assess lands.

SEC. 20. After adopting the plan for drainage as provided for in section seventeen, the board of directors accompanied and assisted by the engineer or one of his assistants shall proceed to view the lands of the district and determine the value of all land and other property within or without the district to be acquired or used for rights of way for any drain or other works set forth in the plan for drainage, and shall assess the amount of benefits, and award the amount of damage, if any, that are to accrue to each tract or subdivision of land, railroad, and other interest or property by the carrying out and putting into effect the plan for drainage heretofore adopted. The board of directors may, if in their opinion more equitable

assessments can be made thereby, adopt a certain number of acres as the maximum-sized tract to be assessed separately. If the board of directors shall determine that the benefit to the lands in the district will be uniform and equal they may assess the amount of benefits that are to accrue to each tract by reason of the proposed improvement at a uniform amount per acre. The assessed benefits to railroads, and other rights of way, excepting, however, canals carrying water for irrigation, power, domestic, or other use and their respective rights of way, shall be based on the increased physical efficiency and decreased maintenance cost to result from the proposed improvements; *provided*, the assessed benefit shall not exceed per acre the benefits assessed to adjoining lands.

In ascertaining the benefits to canals carrying water for irrigation, power or domestic or other purposes or their respective rights of way, the board of directors may consider the relation between the probable amount of water lost by seepage or waste from said canals to the detriment of lands and other property in the district and the probable total amount of water causing such detriment. If the district be irrigated, the board of directors in determining the benefits to any tract of land, shall consider the protection of the tract itself against future injury or the provision for caring for the seepage or waste water from the tract which may be of injury to other land. The board of directors shall prepare a report of its findings which will show in a clear and concise manner and in tabular form, the owner of property, description of property, number of acres in each tract assessed, amount of benefits assessed, amount of damages awarded, and the assessment for the construction fund which must be in proportion to the assessment of benefits. In establishing the construction fund, the board of directors shall, with the engineer of the district, estimate the cost of the work set out in the plan for drainage, which estimate shall include cost of property required for rights of way and other works, discount on bonds including interest on bonds for a period not exceeding two years, interest on warrants, and such other expenses as are right and proper plus an amount equal to fifteen per cent of the sum of the foregoing, to provide for delinquencies and incidentals, and said report shall also contain an estimate of the amount of bonds to be issued and shall be signed by the board of directors.

SEC. 21. Upon its completion the report provided for in section twenty shall be filed with the clerk of the board of supervisors of the county in which the district was organized. Within ten days after filing of said report the board of supervisors shall give notice thereof, in the manner provided in section six, to all persons against whose property benefits have been assessed or damages have been awarded, or from whom rights of way are to be acquired as set forth in said report. It

shall not be necessary to publish the report but it will be sufficient to say:

NOTICE OF FILING REPORT OF BOARD OF DIRECTORS
FOR ----- DRAINAGE DISTRICT.

Notice.

Notice is hereby given to all persons interested in any lands or other property within the boundaries of ----- drainage district that the board of directors of said drainage district has on the ----- day of ----- 19 ___ filed its report setting forth the amount of benefits assessed and the amount of damages awarded against each tract and parcel of land and other property, the amount and value of all rights of way to be acquired, the plan for drainage and the assessment for the construction fund and an estimate of the amount of bonds to be issued, and you and each of you are hereby notified that you may examine said report and file remonstrances to all or any part thereof as provided by law, on or before ---- day of ----- 19 ___ at ----- o'clock at which time all such remonstrances will be heard and determined.

Clerk of board of county supervisors,
----- county.

The date set for hearing shall be not less than ten days nor more than forty days after the date of the last publication as herein provided for.

Hearing by supervisors.

SEC. 22. Any interested person may appear and advocate or remonstrate against said report or any assessment of benefits or award of damages. All remonstrances shall be in writing and be filed before the time set for hearing, setting forth the facts upon which they are based. All remonstrances shall be heard by the board of supervisors as herein provided and determined in such manner as to carry out the purposes and needs of the district, and if it appears to the satisfaction of the board of supervisors, after having heard and determined all of said remonstrances, that the assessment of benefits and the assessment for the construction fund and the award of damages are just and reasonable, and that the estimated cost of constructing the improvements contemplated is not excessive and is less than the benefits assessed against the land and other property in said district and that the plan for drainage is in all respects adequate and feasible, and that the proposed bond issue is necessary and ample, the board of supervisors shall by order approve and confirm said report as submitted by the board of directors or as modified and amended, equalizing and finally determining the assessment of benefits made and levied upon each tract of land and other property within the district, and shall approve the bond issue proposed therein, but if it is found that the assessment for the construction fund is excessive or is greater than the assessment of benefits, the board of supervisors shall by order dis-

Action of supervisors.

miss the proceedings or may upon the unanimous recommendation of the board of directors declare the district dissolved; *provided, however*, that no district shall be dissolved until all outstanding indebtedness against the district of whatsoever nature has been paid or otherwise settled.

From and after the filing of the list or certified copy thereof with the recorder, the charges assessed upon any tract of land within the county shall constitute a lien thereon and notice thereof shall be imparted to all persons. No subsequent act or conduct of the directors shall invalidate said assessment or lien but such directors may be compelled by mandate, or other proper proceedings, to perform their duties as required by law.

The clerk of the board of supervisors shall transmit a certified copy of the order and a copy of the report as approved to the secretary of the board of directors of the drainage district and it shall be made and become a part of the permanent records of the district. The clerk of the board of supervisors shall make and transmit to the recorder of each county in which the district is located a certified copy of the said order and that part of the said report affecting land in such county and the same shall be filed for record.

Any moneys remaining in the treasury of the district after its dissolution, as in this section provided, shall be proportioned equally as to each acre of the district and paid to the owners of such land by warrants drawn on the treasurer of the district.

Sec. 23. Immediately after the approval by the board of supervisors of any bond issue and any report of the directors as provided for in section twenty-two of this act, the board of directors shall submit a certified copy of said report to the commission authorized by law to approve bonds of irrigation districts for certification as legal investments for savings banks and for other purposes specified in the act creating said commission. The provisions of said act and amendments thereto now existing or which may hereafter be made not inconsistent therewith are hereby made applicable to drainage districts organized under this act and said commission is hereby authorized to make such examinations and reports on the bonds of drainage districts as are authorized by said act to be made in the case of irrigation districts. Said commission shall forthwith examine said report and any data in its possession or in the possession of said district and shall make such additional surveys and examinations at the expense of the district as it may deem proper or practicable, and as soon as practicable thereafter shall make to the board of directors of said district a report which shall contain such matters as, in the judgment of the said commission, may be desirable; *provided*, that it may state generally the conclusions of said commission regarding the nature of the soil proposed to be drained or protected from the effects of water as to its fertility and susceptibility of drainage, the plan for drainage, the cost of the works and other necessary procedure for a complete and satisfactory project, the proper dates of maturity for the bonds proposed

to be issued and whether in its opinion it is advisable to proceed with the proposed bond issue. If the estimate of the amount of said bond issue shall have included any amount for the payment of interest on bonds of such issue, as provided in section twenty of this act, and such estimate for the payment of interest, or any part thereof, is approved by the commission in said report, it shall be lawful for the board of directors, if the issuance of such bonds is hereafter authorized by vote of the electors of the district, to use for the payment of interest on any bonds of such issue so much of the proceeds of the sale of said bonds as may have been approved for that purpose in said report of the commission.

Directors
to follow
recommendations
of
commission.

SEC. 24. If after such examination and investigation the said commission shall deem it advisable that said plans be modified or that the amount of the bonds proposed to be issued be changed, or that certain conditions should be prescribed to insure the success of the project, or that in its opinion it is not advisable to proceed with the proposed bond issue, it shall so state in its report to the board of directors. After receiving said report, or if no report is received within ninety days after the submission of said directors' report to said commission, said board of directors, if it shall determine and declare by resolution that the proposed plan for drainage or some modified plan recommended by said commission is satisfactory, shall make an order determining the amount of bonds that should be issued in order to raise the money necessary therefor; *provided*, that if any district shall issue bonds to carry out any plans approved by said commission as herein provided it shall be unlawful for said district to make any material change in said plans thereafter without the consent of said commission; *and provided, further*, that if any changes are made in the plans for drainage by said commission which shall cause a less benefit to any lands or other property than that approved by the board of supervisors as in section twenty-two provided the board of directors may proceed only after instituting and conducting proceedings similar so far as practicable to those provided for in section twenty-two of this act.

Bond
election.

SEC. 25. Upon the approval of any bond issue by the irrigation district bond commission the board of directors shall call an election at which shall be submitted to the electors of such district the question whether the bonds of such district shall be issued in the amount so approved. Notice of such election shall be given as prescribed in section six of this act, which notice must specify the time of holding the election, the boundaries of precincts established by the board of directors, the voting places in such precincts, and the amount of bonds proposed to be issued. Said board of directors may by resolution establish one or more precincts for such election and the location of the voting places therein.

Roster of
voters.

Prior to any election held under the provisions of this act the board of directors shall make or cause to be made from the records of the county recorder, a roster of voters. Said roster shall contain the names of the electors, the number of votes

each such elector is entitled to cast and the name or number of the precinct at which each elector may vote. A copy of said roster shall be conspicuously and conveniently placed at each polling place for the information of said electors.

Said election must be held and the result thereof determined and declared by said board of directors as nearly as practicable in conformity with general laws as to elections; *provided*, that no informality shall invalidate the same, if the election shall have been otherwise fairly conducted. General election laws applicable.

All persons shall be entitled to vote at such election in accordance with the provisions of section fourteen of this act, and shall receive and cast one ballot for each vote to which he is entitled. The ballots shall contain the words "Bonds—Yes" and "Bonds—No" or words equivalent thereto. If a majority of the votes cast are "Bonds—Yes" the board of directors shall cause bonds in said amount to be issued. If a majority of the votes cast are "Bonds—No" the result of such election shall be so declared. Vote.

SEC. 26. In case of condemnation proceedings, the board of directors of said drainage district shall proceed, in the name of the district, under the provisions of title seven of part three of the Code of Civil Procedure and amendments thereto now existing or which may hereafter be made, which said provisions are hereby made applicable for that purpose, and it is hereby declared that the use of the property which may be condemned, taken or appropriated under the provisions of this act, is a public use, subject to the regulations and control of the state in the manner prescribed by law. Condemnation proceedings.

SEC. 27. The board of directors of said district shall have full power and authority to build, construct, excavate, complete and maintain all or any works and improvements which may be needed to carry out the plan for drainage. To accomplish that end the board of directors is hereby authorized and empowered either to employ men and teams and to purchase machinery, employ men to operate same and directly have charge of and construct the works of improvements, or let a contract or contracts for such works and improvements either as a whole or in part, to the lowest and best bidder after having advertised for not less than three weeks that bids would be received and opened at the time and place specified in said advertisement, provided that any and all bids may be rejected and the right reserved to call for new bids. If the bids are again rejected the board of directors shall call a mass meeting of the property owners as provided for in section thirteen at which time the manner and method of carrying out the provisions of the plan for drainage will be discussed. Each bid shall be accompanied by a certified check, or an acceptable bidder's bond, payable to the district, in amount of not less than five per cent of the amount of such bid. The check or bond accompanying the accepted bid shall be kept by the secretary of the board of directors until the contract for doing such work has been entered into. The bidder to whom the contract is awarded shall, upon entering into said contract, Powers of directors regarding works and improvements. Contracts. Contractor's bond.

execute a bond, with good and sufficient surety, to be approved by the board of directors, payable to the district for its use, in the amount of one-half the contract price, conditioned that he will well and promptly carry out the contract for such work and improvements, which contract shall be in writing and to which shall be attached and made a part thereof, complete plans and specifications of the work to be done and the improvements to be made under said contract. The engineer shall have charge of all the works and improvements and shall whenever required and at least once each year as hereinbefore provided, make a full report to the board of directors of all work done and improvements made and make such suggestions and recommendations to the board of directors as he may deem proper. Whenever, from time to time, during the progress of the work it is found that it will be to the advantage of the district to make changes in the plan for drainage heretofore adopted such changes may be made with the approval of the board of directors; *provided*, that changes which will cause a less benefit to any land or other property than that approved by the board of supervisors shall be made only after instituting and conducting proceedings similar so far as practicable to those provided for in section twenty-two of this act.

Engineer
in charge.

Changes
in plan.

Annual
meeting
of owners.

SEC. 28. On the second Tuesday of January of each year the board of directors shall call an annual meeting of the owners of land in the district in the manner provided for in section six and such meeting shall be held at the time and place stated in the notice for the purpose of hearing the annual report of the board of directors and for the conduct of other business.

At any annual meeting, provided for under this act, the president of the board of directors, shall act as chairman of the meeting.

Annual
budget.

SEC. 29. It shall be the duty of the board of directors in the preparation of the annual report to submit a budget showing the amount necessary to be levied against the lands and other property within the district within the current year. Said budget shall provide for funds for the purpose of constructing drainage works and maintaining the same, liquidating district warrants and paying interest thereon, paying interest upon the bonded indebtedness of the district and retiring any maturing bonds, and for the management and control of the district, plus fifteen per cent of the sum of the foregoing to provide for incidentals and possible delinquencies.

Tax levy

On or before the first Monday in February of each year a copy of said budget shall be certified to the board of supervisors of the county in which said district is situated and it shall be the duty of said board of supervisors to levy a tax, at the time of levying county taxes, to be known as the "(name of the district) drainage district tax" sufficient to raise the amount of said budget. The tax so levied shall, by the county auditor, be computed in proportion to the benefits as shown by the

equalized assessment of benefits and entered on the assessment roll and shall be collected at the same time and in the same manner as the state and county taxes and when collected shall be paid into the county treasury for the use of said district. In the event that such budget is not so submitted or is insufficient to provide for the bond fund requirements, it shall be the duty of the board of supervisors forthwith to require that such budget be immediately submitted or amended. If such district lies in more than one county the budget shall be divided by the board of directors in proportion to the assessment of benefits on the lands of said district in each county and shall certify to the board of supervisors of each county the part of said budget apportioned to such county.

Districts
in two
or more
counties.

It shall be the duty of the county treasurer of the county in which the district was organized to retain such portion of said taxes as is required for the bond fund and at intervals, not less than twice a year he shall pay the balance to the treasurer of the drainage district. The treasurer of any county in which part of said district may lie but in which county said district was not organized, must at intervals, not less than twice a year pay all said taxes received by him to the treasurer of the county in which said district was organized. The treasurer of the district shall keep all funds received by him from any source whatsoever in a depository which is legally entitled to receive deposits of public money. All interest accruing on such funds shall be credited to the district.

Disposition
of taxes.

Sec. 30. All warrants issued under the provisions of this act shall be numbered consecutively, bear the date of issue and name the fund out of which the money is to be paid and the purpose for which issued. If any warrant is not paid when presented, because of lack of sufficient funds, such fact with the date of presentation shall be endorsed on the back of such warrant and such warrant shall draw interest thereafter at the rate of seven per cent per annum, until such time as there is money on hand sufficient to pay the amount of such warrant and the interest then accumulated.

District
warrants.

Whenever there is sufficient money in the treasury to pay all such outstanding warrants or whenever the board of directors shall order that all such warrants presented for payment prior to a certain date, be made and there is sufficient money available for such payments, the treasurer shall give notice in some newspaper of general circulation published in the county in which the district or any portion thereof is situated and by posting a copy of such printed notice conspicuously in the place in which the board of directors of the district holds its regular meetings, stating that he is prepared to pay all warrants of the district for the payment of which funds were not available upon their original presentation, or all such warrants which were presented for payment prior to the date fixed by the board of directors, as the case may be, and no further description of the warrants entitled to payment need be made in such notice. Upon the presentation of any warrant entitled

Payment of
outstanding
warrants.

to payment under the terms of such notice, the treasurer shall pay it together with interest thereon from the date of its original presentation for payment to the date of the first publication or posting of said notice, and all warrants for the payment of which funds are declared in said notice to be available shall cease to draw interest at the time of the first publication of said notice.

Construction
of improve-
ments over
or under
highway, etc.

SEC. 31. Whenever in the progress of the construction of any of the improvements set forth in the plan for drainage it shall become necessary to construct any portion of said improvement across, over or under any public highway, canal, railroad or right of way, the secretary of the board of directors shall serve notice in writing upon the public officers, corporation or persons having charge of or controlling or owning such public highway, canal, railroad or right of way of the present necessity of such crossing, giving the location, kind, dimensions, and requirements thereof, for the purposes of the district, and stating a reasonable time to be fixed by the engineer, within which plans for such crossings must be filed for approval of the engineer and the board of directors of the district. In case the public officers, corporations, or persons controlling or owning such public highway, canal, railroad or right of way desire to construct such crossing, within the time fixed in the notice they may submit duplicate detailed plans for the approval of the engineer of the district who shall examine and may modify the same to meet the requirements of the district, and when such plans or modified plans are approved by the board of directors of the drainage district, one copy shall be retained by said board of directors for its records, the other copy to be returned and the officers, corporation, or person controlling such public highway, canal, railroad or right of way shall, within the time specified by the board of directors, construct said crossing in accordance with said approved plans.

In case of the failure on the part of any officers, corporations or persons, owning or controlling said public highway, canal, railroad or right of way across, over or under which crossings are desired by the district, to submit plans for said crossings within the time specified, the board of directors shall proceed to construct or cause to be constructed such crossings according to the plans and specifications of the engineer of the district. Such crossings shall be constructed in such a manner as to cause no unnecessary injury or interference with such uses as are made of said public highway, canal, railroad or rights of way by those controlling the same. The board of directors shall have authority to construct any necessary works of the district across any public highway, avenue or street, in such manner as to afford security for life and property.

Cost of
construction.

The cost of constructing any crossings as herein provided shall be paid by the drainage district; *provided, however*, that only such crossings or portions thereof as would not be necessary but for the construction of the works of said drainage district shall be a proper charge against said district. All

crossings constructed under the provisions of this act, over, under, or across any public highway, canal, railroad or right of way shall be maintained by and at the expense of the corporation or person owning said public highway, canal, railroad or right of way and same shall be done in a manner approved by the board of directors of the drainage district.

SEC. 32. All surety bonds required to be given by this act shall be made payable to the State of California for the benefit of the district, in the name of which all suits shall be instituted and prosecuted. All penalties herein named shall be recoverable by and payable to said district. All bonds required by this act shall cover default of deputies, clerks, or assistants of the officers appointing them.

Surety
bonds.

SEC. 33. The board of directors of any drainage district organized under this act shall have the right to file upon, appropriate, and under due process of law governing such cases obtain title to, in the name of the district, any and all water developed, or collected by any drains or other works constructed by and with the authority of said district, said waters to be known and designated as drainage water. The board of directors may use, lease, contract, or otherwise dispose of any drainage water, to which title has been acquired: *provided, however,* that no disposition shall be made of said drainage water that will deprive the district of the title thereto; *and provided, further,* that the board of directors shall have neither power nor authority to fix or guarantee, for purposes of lease or other disposition of said drainage water, the amount thereof.

"Drainage
water,"
acquisition
and
disposition.

Any and all proceeds from the use or disposition of said drainage water shall be used for the benefit of the district in such manner as the board of directors may adopt.

Proceeds.

SEC. 34. Any bonds issued under the provisions of this act shall not exceed in amount ninety per cent of the assessment for the construction fund. They may mature at any time or times designated by the board of directors but not to exceed twenty years, shall bear interest at not more than six per cent per annum, payable semiannually, and shall be issued in either coupon or registered form in denominations of not less than one hundred dollars nor more than one thousand dollars: both principal and interest payable in gold coin of the United States at the office of the treasurer of the county in which the district is organized, which bonds shall be signed by the president and the secretary of said drainage district and bear the seal of the district.

District
bonds, issu-
ance of.

The board of directors may sell said bonds at not less than ninety per cent of par value, at public or private sale to the highest and best bidder after having advertised for not less than three weeks in a newspaper published in the county or counties in which any portion of the district is situated, that said bonds are for sale and that bids will be received and opened at a time and place specified; *provided,* that the board of directors may reject any and all bids. The funds derived from the sale of such bonds or any of them shall be used for

Sale of
bonds.

the purpose of paying the cost of construction and interest on bonds.

"Bond fund."

SEC. 35. The bond fund shall comprise that portion of the annual levy made for the purpose and any penalties and indemnities collected and interest thereon. The bonds of the district and the interest thereon shall be paid from the moneys in the bond fund and it shall be the duty of the treasurer of the county in which the district was organized to have custody of such funds and pay the interest due upon presentation of coupons and to take up the bonds as they mature. He shall cancel said coupons and bonds and deliver same to the treasurer of the district.

New or amended plans, formulation and execution.

SEC. 36. Where the works set out in the plan for drainage of any drainage district are found insufficient to reclaim in whole or in part any or all of the land or otherwise fully to accomplish the object of the district the board of directors shall have the power to formulate new or amended plans for such new or altered drains or other works which in its opinion will accomplish the desired results, and additional assessments may be made in conformity with the provisions of section twenty, the same to be made in proportion to the equalized assessment of benefits and in all respects the procedure shall be the same as hereinbefore provided for putting into effect the plan for drainage as provided for in section seventeen. If it is found that for any other reason the original assessment for the construction fund is inadequate, additional assessment or assessments may be made and bonds sold in conformity with the foregoing provisions; *provided*, that the sum of all assessments for the construction fund shall not exceed the assessment of benefits.

Reapportionment of assessed benefits.

SEC. 37. The board of directors, either upon its own motion or upon petition of the owners of land within the district against whom fifty per cent or more of the benefits have been assessed may make a reapportionment of assessed benefits; *provided*, that at least five years shall have elapsed since the last previous assessment of benefits has been equalized; *provided, further*, that the total assessment of benefits shall not be reduced. In making such reapportionment the procedure shall be in every respect as provided for in the original assessment of benefits.

Existing drains to be taken over or connected with.

SEC. 38. At the time of construction of the works set forth in the plan for drainage hereinbefore referred to, all drains, systems of drainage, ditches, waste ditches, spillways or other water courses, if necessary to the drainage or protection of any of the lands in said district, shall be connected with and made a part of the works and improvements of said district. No drains, or systems of drainage, ditches, waste ditches, spillways or other similar works constructed within or without said district after the completion of the aforesaid plan of drainage shall be connected therewith, unless the consent of the board of directors shall be first obtained, which consent shall be in writing and shall particu-

larly describe the method, terms, and conditions of such connection which shall be in strict accord with the method, terms and conditions laid down in said consent. If the owner or owners wishing to make such connection are refused by the board of directors or decline to accept the consent granted, the said landowner or owners may file with the board of supervisors having jurisdiction in said district, a petition for such connection and the matter in dispute shall be in a summary manner decided by the board of supervisors which decision shall be final and binding on the district and the landowner or owners.

SEC. 39. Any two or more adjacent districts whether situated in the same or different counties may be united and consolidated in one district and such new district and the board of directors thereof shall have the rights, powers and privileges of any districts organized under this act. In order to effect such consolidation the board of directors of each of the original districts shall call the attention of the landowners to such proposed consolidation at the same time and in the same notice as that hereinbefore provided for calling the annual meeting at which time a vote shall be taken on the matter of consolidation. If a majority of the votes cast in each district are in favor of the proposition to unite and consolidate such districts the boards of directors of the districts shall present a petition to the board of supervisors of the county in which the greatest amount of land is located, accompanied by complete minutes of said meetings, in which shall be stated the names of the original districts, when organized, the names of the owners of the lands and the boundaries of the districts. When said petition has been filed the clerk of the board of supervisors shall give notice, to all persons named in said petition, of such filing, in the manner provided for in section six, said notice to state the contents of said petition and the time of hearing. Any person owning land in either district may not later than five days before the time set for hearing, which shall be not less than two weeks after the date of the last publication, file objections to the regularity or sufficiency of any of the proceedings had in the premises, and if such objections are overruled, or if no objections are made, the board of supervisors shall make an order that the prayer of the petition be granted and that the two or more districts be so united as one district, under some appropriate designation, with all the rights, powers and privileges of such districts organized under this act and the lands so included shall be subject to all liens, liabilities and obligations of both of the original districts. At the time of making such order the board of supervisors shall appoint out of the boards of directors of the original districts three directors fixing their terms of office at three, two and one years respectively, or such directors may be elected in accordance with the alternative method provided in section eight. A certified copy of the order uniting any two or more districts shall be

Consolidation of adjacent districts, procedure for.

Hearing by and order of supervisors.

New board of directors.

filed with the county recorder of each county in which any of the lands are situated and in the office of the state engineer. If the objections against the uniting of any two or more districts as herein provided for are sustained, the board of supervisors shall dismiss the petition and the costs shall be divided equally between the districts.

Reorganiza-
tion of
existing dis-
tricts, pro-
cedure for.

Hearing by
and order of
supervisors.

SEC. 40. Any drainage district in the State of California organized under the provision of any law of this state, may be reorganized under the provisions of this act, and after so organized shall be entitled to the benefits of all of the provisions of this act and any and all acts amendatory thereto. Such reorganization shall be effected by presenting to the board of supervisors of the county in which the district was organized a consent thereto signed by fifty, or a majority, of the holders of title or evidence of title, who shall hold a majority of the lands of said district. Upon the filing of such consent said board of supervisors shall immediately set a date for hearing which shall be not less than one month nor more than two months from such filing. Said board of supervisors shall give notice of said hearing in the manner provided for in section six of this act. At the time and place designated in such notice said board of supervisors shall receive such evidence as may be offered in support of such reorganization and in support of any written objection thereto and may continue said hearing from time to time and shall determine the matter of such reorganization and make and enter in its minutes an order providing that said district shall or shall not be reorganized under this act. If the order is that said district be reorganized said order shall include the appointment and fixing the terms of office of the board of directors of said district as in the organization of a new district, or such directors may be elected in accordance with the alternative method provided in section eight. A certified copy of such order shall be filed for record in the office of the county recorder of each county in which any lands embraced in said district are situated and in the office of the state engineer and from and after such filing the reorganization of said district shall be complete.

Requirements
unnecessary,
what.

When a drainage district has been reorganized under this act the board of directors will not be required to follow, except as provided for in section forty-one of this act, such steps or requirements of this act as are inconsistent with or rendered unnecessary by the work that has already been done and proceedings had in the district; *provided*, that no such change of organization shall have the effect of in any way invalidating any indebtedness, liability, or obligation of any nature incurred under the former organization, but any such indebtedness, liability or obligation shall attach to the reorganized district and all property of the former district shall become the property of the reorganized district.

Reappoint-
ment of
assessments.

SEC. 41. In any district which has been reorganized as provided for in section forty of this act and in which the assess-

ment of benefits has been equalized or the cost of drainage otherwise apportioned as provided for in the law under which said district was originally organized, it shall be the duty of the board of directors to reapportion said assessment of benefits and award of damages and to otherwise follow the proceedings relating thereto as provided for in this act; *provided, however,* that any drainage taxes which have already been collected or which have been levied and are due under the provisions of the law under which the district was originally organized, on the date of the approval of said reassessment of benefits by the board of supervisors as provided for in section twenty-two of this act, shall not be reapportioned but shall remain and be collected as already levied.

SEC. 42. The boundaries of any drainage district organized under the provisions of this act may be changed in the manner herein prescribed; but such change of boundaries shall not impair or affect the organization of the district or its rights in or to property or any of its rights or privileges; nor shall it affect, impair, or discharge any contract, obligation, lien or charge for which it was or might become liable or chargeable, had such change of boundaries not been made. Change of boundaries.

The holder or holders of title or evidence of title holding one-half or more of any body of land adjacent to a drainage district organized under this act, may file with the board of directors of said district a petition, in writing, praying that the boundaries of said district be so changed as to include therein said lands. The petition shall describe the boundaries of said lands but such descriptions need not be more particular than is required when such lands are entered by the county assessor in the assessment roll. Such petition must contain the assent of the petitioners to the inclusion of said lands, or any part thereof, within such district and must be acknowledged in the same manner as conveyances of real property. Extension of boundaries.

SEC. 43. The secretary of the board of directors shall cause notice of the filing of such petition to be given in the manner prescribed in section six of this act. The notice shall state the filing of such petition, a copy of the description of the lands recited in said petition, and the prayer of such petition, and shall notify all persons interested in such change of the boundaries of the district to appear before said board at its next regular meeting after expiration of the period of publication and show cause in writing why such change of boundaries should not be made. Said petitioners shall advance to the secretary sufficient money to pay the estimated costs of all proceedings arising from such petition. Notice of hearing on change of boundaries.

SEC. 44. Said board of directors shall hear said petition and all written objections thereto and determine said matter. The board of directors may require as a condition precedent to the granting of the same, that there shall be paid to the district an amount not exceeding such sums, as nearly as the same can be estimated by the board, as the owners of said land would have been required to pay as district taxes, had such lands been included in said district when organized. Costs.

Hearing by directors.

- Order.** If the board of directors deem it for the best interest of said district and of said lands proposed to be included, it may order that the boundaries of said district be so changed as to include therein the lands or some part thereof described in said petition. Such order may be made upon conditions prescribed by said board as to taxation and payment for additional works required by reason of the inclusion of such lands.
- Record.** A certified copy of such order shall be filed for record in the office of the state engineer and in the office of the county recorder in each county in which lands embraced in the district are situated, and from and after such filing in the office of the county recorder the change of boundaries of said district shall be complete and thereupon the district shall be and remain a drainage district as fully for all purposes as if the lands which are included in the district by the change in boundaries had been included in said district at its organization.
- Validity of change of boundaries.** **SEC. 45.** At any time after such change of boundaries the board of directors or any interested party may bring an action following the procedure set forth in section seven of this act in the superior court of the county in which said district was organized to determine the validity of such change in boundaries.
- Additional plan for drainage.** **SEC. 46.** Said board of directors may cause to be made a plan for drainage of lands included in the district by such change of boundaries, may make an assessment of benefits to such lands, an assessment for the construction fund, issue bonds and construct such works as may be necessary to put such plan for drainage into effect, following as nearly as may be practical the provisions of this act relating to such matters.
- Dissolution of district, petition to superior court for.** **SEC. 47.** Any district organized under the provisions of this act in which action has been taken by the board of directors subsequent to those provided for in section twenty-two of this act may be dissolved as hereinafter provided for. The board of directors shall present to the superior court of the county in which the district was organized a verified petition signed by not less than three-fourths of the holders of title or evidences of title owning not less than three-fourths in acreage of the land in the district as shown by the last preceding assessment roll, praying for such dissolution. Said petition shall set forth in full the reason or reasons for such proposed dissolution and shall further contain and set forth the amount of the outstanding bonds, coupons, warrants, or other indebtedness, if such there be, together with a general description of the same, and the holders, so far as known, showing the amount of each description of indebtedness and the ownership, so far as known, of the same. Also the estimated cost of the dissolution of said district. Said petition shall also state the assets of said district, including drainage systems, if any, ditches, pumping plants, water rights, franchises, rights of way, also all assessments unpaid, and the amount upon each lot or tract of land and all assets of the district; and in case

any proposition has been made by the holders of said indebtedness to settle the same, said proposition, together with any plan proposed to carry same into execution, shall be included in said petition.

SEC. 48. Action on said petition for dissolution in the superior court shall be in the nature of a proceeding in rem, and jurisdiction of all parties interested may be had by publication of notice of the pendency of the proceedings for at least once a week for three weeks in some newspaper of general circulation published in the county where action is pending; *provided*, that if the property of the district is situated in more than one county then the publication shall be made in one paper in each such county, such paper or papers to be designated by the court having jurisdiction of the proceeding; jurisdiction shall be complete thirty days after the date of the last publication. Anyone interested may at any time before the expiration of said thirty days appear and contest the validity of the proceedings already had and of the plan proposed for the dissolution of said district, or any portion thereof, including the validity of any portion of the indebtedness set out in said petition, and the court may determine the validity of any sales for assessments and may determine the amount of any assessment or assessments due upon the various parcels of land or other property within said district, and may determine the amount of any assessment or assessments heretofore paid upon the various parcels of land or other property and may in said proceedings adjust and determine the rights and liabilities of all parties. Such action shall be speedily tried and judgment rendered. Either party shall have the right to appeal at any time within thirty days after the entering of any such judgment, and the appeal shall be entitled to an early hearing and determination.

SEC. 49. At the hearing on said petition for dissolution the court shall hear and determine the regularity, legality and correctness of all proceedings, and in doing so shall disregard any error, irregularity or omission which does not affect the substantial rights of the parties, the rules of pleading and practice in the Code of Civil Procedure not inconsistent with the provisions of this act are made applicable to the proceedings herein provided. The costs of any contest may be allowed and proportioned between the parties or taxed to the losing party in the discretion of the court.

SEC. 50. The court in its decree shall have power to make the orders necessary to carry out said proposition for the discharge of the indebtedness and distribution of the property of said district, including the right to apportion any indebtedness found due, and to declare said portions liens upon the various parcels of land within the district, and may decree a sale of its assets in such manner as may effectuate said proposition and as said court may judge best.

SEC. 51. The amounts of any assessment or assessments found due upon the various parcels of land within said dis-

Nature of action.

Notice.

Contest.

Findings of court.

Appeal.

Code of civil procedure to govern.

Court decree.

Foreclosure of sales.

trict and the amounts for which sales have been made, which sales have been determined to be valid by said court, together with legal interest from the date of said sales and from the time when said assessments become delinquent, shall be liens respectively on the parcels affected thereby, and the purchaser or purchasers of said sales may foreclose the sale by action in the superior court, and shall in said action join all lots assessments, and sales which may have been purchased by him and which remain unredeemed. A redemption may be made at any time by payment of the amount due to the clerk of the court for the use of the district, if before sale, and for the use of the purchaser if after sale, and the clerk shall thereupon enter a minute of said payment, which payment shall be in the discharge of said lien. Redemption from the lien created for any portion of the indebtedness can be had in this manner.

Redemption.

Distribution of surplus funds.

SEC. 52. Whenever all the property of such drainage district shall have been disposed of, and all the indebtedness and obligations thereof, if any there be, shall have been discharged, the balance of the money of said district shall be distributed to the assessment payers in said district upon the last assessment roll in the proportion in which each has contributed to the total of said assessment, and the court shall enter a final decree declaring said district to be dissolved.

Constitutionality.

SEC. 53. In case any section or sections or part of any section of this act shall be found to be unconstitutional, the remainder of the act shall not thereby be invalidated, but shall remain in full force and effect.

Effect on existing laws.

SEC. 54. Nothing in this act shall be construed as repealing or in any wise modifying the provisions of any other act relating to the subject of drainage, but it is intended as an independent and alternative means for organizing and governing drainage districts.

CHAPTER 103.

An act to add a new title to part four of division first of the Civil Code to be known as title twenty-three, consisting of sections numbered six hundred fifty-three aa to six hundred fifty-three xx inclusive, and relating to non-profit cooperative associations with or without capital stock.

[Approved May 4, 1923.]

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

SECTION 1. A new title is hereby added to part four of division first of the Civil Code to be known as title twenty-three, consisting of sections numbered six hundred fifty-three aa to six hundred fifty-three xx inclusive, and to read as follows:

Declaration of policy.

653aa. Declaration of policy. (a) In order to promote, foster and encourage the intelligent and orderly marketing of

agricultural products through cooperation; and to eliminate speculation and waste; and to make the distribution of agricultural products between producer and consumer as direct as can be efficiently done; and to stabilize the marketing of agricultural products, this act is passed.

653bb. Definitions. As used in this act:

Definitions.

(a) The term "agricultural products" shall include horticultural, viticultural, forestry, dairy, live stock, poultry, bee and any farm products.

(b) The term "member" shall include actual members of associations without capital stock and holders of common stock in associations organized with capital stock.

(c) The term "association" means any corporation organized under this act; and

(d) The term "person" shall include individuals, firms, partnerships, corporations and associations.

Associations organized hereunder shall be deemed "non-profit," inasmuch as they are not organized to make profit for themselves, as such, or for their members, as such, but only for their members as producers.

(e) For the purposes of brevity and convenience this act may be indexed, referred to and cited as "the cooperative marketing act."

653cc. Who may organize. Five (5) or more persons, a majority of whom are residents of this state, engaged in the production of agricultural products, may form a non-profit, cooperative association, with or without capital stock, under the provisions of this act.

Who may organize.

653dd. Purposes. An association may be organized hereunder to engage in any activity in connection with the marketing or selling of the agricultural products of its members, or with the harvesting, preserving, drying, processing, canning, packing, grading, storing, handling, shipping, or utilization thereof, or the manufacturing or making of the by-products thereof; or in connection with the manufacturing, selling or supplying to its members of machinery, equipment or supplies; or in the financing of the above enumerated activities; or in any one or more of the activities specified herein.

Purposes of associations.

653ec. It is here recognized that agriculture is characterized by individual production in contrast to the group or factory system that characterizes other forms of industrial production; and that the ordinary form of corporate organization permits industrial groups to combine for the purpose of group production and the ensuing group marketing and that the public has an interest in permitting farmers to bring their industry to the high degree of efficiency and merchandising skill evidenced in the manufacturing industries; and that the public interest urgently needs to prevent the migration from the farm to the city in order to keep up farm production and to preserve the agricultural supply of the nation; and that the public interest demands that the farmer be encouraged to attain a superior and more direct system of

Declaration of public interest.

marketing in the substitution of merchandising for the blind, unscientific and speculative selling of crops.

Powers of associations.

653//. Powers. Each association incorporated under this act shall have the following powers:

Activities that may be engaged in.

(a) To engage in any activity in connection with the marketing, selling, preserving, harvesting, drying, processing, manufacturing, canning, packing, grading, storing, handling or utilization of any agricultural products produced or delivered to it by its members; or the manufacturing or marketing of the by-products thereof; or any activity in connection with the purchase, hiring, or use by its members of supplies, machinery or equipment; or in the financing of any such activities; or in any one or more of the activities specified in this section. No association, however, shall handle the agricultural products of any non-member, except for storage, unless it is so empowered to do in its articles of incorporation, and in such event it shall not handle the agricultural products of non-members to an amount greater in value than the value of such products as are dealt in or handled by it for its own members or stockholders.

Borrowing power.

(b) To borrow money without limitation as to amount of corporate indebtedness or liability; and to make advances to members.

May act as agent.

(c) To act as the agent or representative of any member or members in any of the above mentioned activities.

Ownership of subsidiary and related organizations.

(d) To purchase or otherwise acquire; and to hold, own, and exercise all rights of ownership in; and to sell, transfer or pledge, or guarantee the payment of dividends or interest on, or the retirement or redemption of, shares of the capital stock or bonds of any corporation or association engaged in any related activity or in the warehousing or handling or marketing or packing or manufacturing or processing or preparing for market of any of the products handled by the association.

Reserve funds.

(e) To establish reserves and to invest the funds thereof in bonds or in such other property as may be provided in the by-laws.

Property.

(f) To buy, hold and exercise all privileges of ownership, over such real or personal property as may be necessary or convenient for the conduct and operation of any of the business of the association, or incidental thereto.

Assessments.

(g) To levy assessments in the manner and in the amount as may be provided in its by-laws.

Incidental and necessary powers.

(h) To do each and every thing necessary, suitable or proper for the accomplishment of any one of the purposes or the attainment of any one or more of the subjects herein enumerated; or conducive to or expedient for the interest or benefit of the association; and to contract accordingly; and in addition to exercise and possess all powers, rights and privileges necessary or incidental to the purposes for which the association is organized or to the activities in which it is engaged; and, in addition, any other rights, powers and privileges granted by the laws of this state to ordinary corporations,

except such as are inconsistent with the express provisions of this act; and to do any such thing anywhere.

653gg. Members.

(a) Under the terms and conditions prescribed in the by-laws adopted by it, an association may admit as members, or issue common stock to only such persons as are engaged in the production of the agricultural products to be handled by or through the association, including the lessors and tenants of land used for the production of such products and any lessors and landlords who receive as rent all or part of the crop raised on the leased premises.

Members.
Restricted
to agricul-
turalist

(b) If a member of a non-stock association be other than a natural person, such member may be represented by any individual, associate, officer or manager or member thereof, duly authorized in writing.

Representa-
tives of
organiza-
tions, etc.

(c) One association organized hereunder may become a member or stockholder of any other association or associations organized hereunder.

Association
may be a
member.

653hh. Articles of incorporation. Each association formed under this act must prepare and file articles of incorporation, setting forth:

Articles
of incorpo-
ration.

(a) The name of the association.

Name.

(b) The purposes for which it is formed.

Purposes.

(c) The place where its principal business will be transacted.

Place.

(d) The term for which it is to exist, not exceeding fifty (50) years.

Term.

(e) The number of directors thereof, which must be not less than five (5) and may be any number in excess thereof; the term of office of such directors; and the names and residence of those who are to serve as incorporating directors for the first term, or until election and qualification of their successors.

Directors.

(f) If organized without capital stock, whether the voting power and the property rights and interest of each member shall be equal or unequal; and if unequal, the general rule or rules applicable to all members by which the voting power and the property rights and interests, respectively, of each member may and shall be determined and fixed; and providing for the admission of new members who shall be entitled to vote and to share in the property of the association with the old members, in accordance with such general rule or rules. Any such provision shall not be altered, amended, or repealed except by the written consent or vote of three-fourths of the members.

Rights and
powers of
members

(g) If organized with capital stock, the amount of such stock and the number of shares into which it is divided and the par value thereof.

Capital
stock

The capital stock may be divided into preferred and common stock. If so divided, the articles of incorporation must contain a statement of the number of shares of stock to which no preference is granted and the nature and definite extent of the preference and privileges granted.

Articles to be signed, acknowledged and filed.

The articles must be subscribed by the incorporators and directors and acknowledged by each before an officer authorized by the law of this state to take and certify acknowledgments of deeds and conveyances; and shall be filed in accordance with the provisions of the general corporation law of this state; and when so filed the said articles of incorporation, or certified copies thereof, shall be received in all the courts of this state and other places, as prima facie evidence of the facts contained therein and of the due incorporation of such association.

Amendments to articles.

653*ii*. Amendments to articles of incorporation. The articles of incorporation may be altered or amended at any regular meeting or any special meeting called for that purpose. An amendment must first be approved by two-thirds of the directors and then adopted by a vote representing a majority of all the members or subscribed capital stock of the association. Amendments to the articles of incorporation, when so adopted, shall be filed in accordance with the provisions of section two hundred ninety-six of this Civil Code and the general corporation law of this state.

By-laws.

653*jj*. By-laws. Each association incorporated under this act must, within thirty (30) days after its incorporation, adopt for its government and management, a code of by-laws, not inconsistent with the powers granted by this act. A majority vote of the members or subscribed capital stock or the written assent, of a majority of the members or of stockholders representing a majority of all the subscribed capital stock is necessary to adopt such by-laws. Each association, under its by-laws, may provide for any or all of the following matters:

Optional provisions.

(a) The time, place and manner of calling and conducting its meetings.

(b) The number of stockholders or members constituting a quorum.

(c) The right of members or stockholders to vote by proxy or by mail or both; and the conditions, manner, form, and effects of such votes.

(d) The number of directors constituting a quorum.

(e) The qualifications, compensation and duties and term of office of directors and officers; time of their election and the mode and manner of giving notice thereof.

(f) Penalties for violations of the by-laws.

(g) The amount of entrance, organization and membership fees, if any; the manner and method of collection of the same; and the purposes for which they may be used.

(h) The amount which each member or stockholder shall be required to pay annually or from time to time, if at all, to carry on the business of the association; the charge, if any, to be paid by each member or stockholder for services rendered by the association to him and the time of payment and the manner of collection; and the marketing contract between the association and its members or stockholders which every member or stockholder may be required to sign.

(i) The amount of any dividends which may be declared on the stock or membership capital, which dividends shall not exceed eight (8) per cent per annum and which dividends shall be in the nature of interest and shall not affect the non-profit character of any association organized hereunder.

(j) The number and qualification of members or stockholders of the association and the conditions precedent to membership or ownership of common stock; the method, time and manner of permitting members to withdraw or the holders of common stock to transfer their stock; the manner of assignment and transfer of the interest of members and of the shares of common stock; the conditions upon which and time when membership of any member shall cease; the automatic suspension of the rights of a member when he ceased to be eligible to membership in the association; and the mode, manner and effect of the expulsion of a member; the manner of determining the value of a member's interest and provision for its purchase by the association upon the death or withdrawal of a member or upon the expulsion of a member or forfeiture of his membership, or at the option of the association, the purchase at a price fixed by conclusive appraisal by the board of directors; and the conditions and terms for the repurchase by the corporation from its stockholders of their stock upon their disqualification as stockholders. In case of the expulsion of a member, the board of directors shall equitably and conclusively appraise his property interests in the association and shall fix the amount thereof in money, which shall be paid to him within one year after such expulsion.

(k) The manner and method of amending the by-laws, such amendments to be adopted at the annual meeting or at any other meeting of the members or stockholders called for that purpose and by a vote representing not less than a majority of the members or stockholders of the association.

653kk. Directors—Election. The affairs of the association shall be managed by a board of not less than five directors, elected by the members or stockholders from their own number.

Directors—
election.

The by-laws may provide that the territory in which the association has members shall be divided into districts and that directors shall be elected from the several districts. In any such case, the by-laws shall specify the number of directors to be elected by each district, the manner and method of reapportioning the directors and of redistricting the territory covered by the association. The by-laws may also provide that primary elections shall be held to nominate directors. Where the by-laws provide that the territory in which the association has members shall be divided into districts, the by-laws may also provide that the results of the primary elections in the various districts shall be final and must be ratified at the annual meeting of the association. The by-laws may also provide that one or more directors may be nominated by any public official or commission or by the other directors selected by the members. Such directors shall represent primarily the interest of the general public in such

Districts.

Primaries.

Provision for
directors to
represent
public.

associations. The directors so nominated need not be members or stockholders of the association; but shall have the same powers and rights as other directors. Such directors shall not number more than one-fifth of the entire number of directors.

An association may provide a fair remuneration for the time actually spent by its officers and directors in its service and for the service of the members of its executive committee.

The by-laws may provide for an executive committee and may allot to such committee all the functions and powers of the board of directors, subject to the general direction and control of the board.

Vacancies.

When a vacancy on the board of directors occurs other than by expiration of term, the remaining members of the board by a majority vote, shall fill the vacancy, unless the by-laws provide for an election of directors by districts. In the latter case the board of directors shall immediately call a special meeting of the members or stockholders in that district to fill the vacancy.

Officers.

653*ll*. Election of officers. The directors shall elect from their number a president and one or more vice presidents. They shall also elect a secretary and a treasurer, who need not be directors or members of the association; and they may combine the two latter offices and designate the combined office as secretary-treasurer; or unite both functions and titles in one person. The treasurer may be a bank or any depository and as such, shall not be considered as an officer, but as a function of the board of directors. In such case, the secretary shall perform the usual accounting duties of the treasurer, excepting that the funds shall be deposited only as and where authorized by the board of directors.

Certificate of membership.

653*mm*. Stock—Membership certificate—When issued—Limitations on transfer and ownership. When a member of an association established without capital stock has paid his membership fee in full, he shall receive a certificate of membership.

Payment for stock.

No association shall issue stock to a member until it has been fully paid for. The promissory notes of the members may be accepted by the association as full or partial payment. The association shall hold the stock as security for the payment of the note; but such retention as security shall not affect the member's right to vote.

Limit.

An association, in its by-laws, may limit the amount of common stock which one member may own.

Preferred stock

Any association organized with stock under this act may issue preferred stock. Such stock may be redeemable or retireable by the association on such terms and conditions as may be provided for by the articles of incorporation and printed on the face of the certificate.

Transfer restricted.

The by-laws shall prohibit the transfer of the common stock of the associations to persons not engaged in the production of the agricultural products handled by the association;

and such restrictions must be printed upon every certificate of stock subject thereto.

The association may, at any time, as specified in the by-laws, except when the debts of the association exceed fifty (50) per cent of the assets thereof, buy in or purchase its common stock at the book value thereof, as conclusively determined by the board of directors, and pay for it in cash within one (1) year thereafter.

Association may buy in common stock.

653nn. Removal of officer or director. Any member may bring charges against an officer or director by filing them in writing with the secretary of the association, together with a petition signed by five per cent of the members, requesting the removal of the officer or director in question. The removal shall be voted upon at the next regular or special meeting of the association and, by a vote of a majority of the members, the association may remove the officer or director and fill the vacancy. The director or officer, against whom such charges have been brought, shall be informed in writing of the charges previous to the meeting and shall have an opportunity at the meeting to be heard in person or by counsel and to present witnesses; and the person or persons bringing the charges against him shall have the same opportunity.

Removal of officers and directors.

In case the by-laws provide for election of directors by districts with primary elections in each district, then the petition for removal of a director must be signed by twenty per cent of the members residing in the district from which he was elected. The board of directors must call a special meeting of the members residing in that district to consider the removal of the director; and by a vote of the majority of the members of that district, the director in question shall be removed from office.

653oo. Marketing contract. The association and its members may make and execute marketing contracts, requiring the members to sell, for any period of time, not over fifteen years, all or any specified part of their agricultural products or specified commodities exclusively to or through the association, or any facilities to be created by the association. If they contract a sale to the association, it shall be conclusively held that title to the products passes absolutely and unreservedly, except for recorded liens, to the association upon delivery; or at any other specified time if expressly and definitely agreed in the said contract. The contract may provide that the association may sell or resell the products delivered by its members, with or without taking title thereto; and pay over to its members, the resale price, after deducting all necessary selling, overhead and other costs and expenses, including interest on preferred stock, not exceeding eight (8) per cent per annum, and reserves for retiring the stock, if any; and other proper reserves; and interest not exceeding eight (8) per cent per annum upon common stock.

Marketing contracts.

653pp. Remedies for breach of contract.

(a) The by-laws or the marketing contract may fix, as liquidated damages, specific sums to be paid by the member or

Remedies for breach of contract.

Liquidated damages.

stockholder to the association upon the breach by him of any provision of the marketing contract regarding the sale or delivery or withholding of products; and may further provide that the member will pay all costs, premiums for bonds, expenses and fees, in case any action is brought upon the contract by the association; and any such provisions shall be valid and enforceable in the courts of this state: and such clauses providing for liquidated damages shall be enforceable as such and shall not be regarded as penalties.

Injunctions.

(b) In the event of any such breach or threatened breach of such marketing contract by a member, the association shall be entitled to an injunction to prevent the further breach of the contract and to a decree of specific performance thereof. Pending the adjudication of such an action and upon filing a verified complaint showing the breach or threatened breach, and upon filing a sufficient bond, the association shall be entitled to a temporary restraining order and preliminary injunction against the member.

Presump-
tions.

(c) In any action upon such marketing agreements, it shall be conclusively presumed that a landowner or landlord or lessor is able to control the delivery of products produced on his land by tenants or others, whose tenancy or possession or work on such land or the terms of whose tenancy or possession or labor thereon were created or changed after execution by the landowner or landlord or lessor, of such a marketing agreement; and in such actions, the foregoing remedies for non-delivery or breach shall lie and be enforceable against such landowner, landlord or lessor.

Issue of
preferred
stock in
payment for
property.

653gg. Purchasing business of other associations, persons, firms or corporations—Payment—Stock issued. Whenever an association, organized hereunder with preferred capital stock, shall purchase the stock or any property, or any interest in any property of any person, firm or corporation or association, it may discharge the obligations so incurred, wholly or in part, by exchanging for the acquired interest, shares of its preferred capital stock to an amount which at par value would equal the fair market value of the stock or interest so purchased, as determined by the board of directors. In that case the transfer to the association of the stock or interest purchased shall be equivalent to payment in cash for the shares of stock issued.

Application
of other
laws.

653rr. Conflicting laws not to apply. Any provisions of law which are in conflict with this act shall not be construed as applying to the associations herein provided for.

Any exemptions under any and all existing laws applying to agricultural products in the possession or under the control of the individual producer, shall apply similarly and completely to such products delivered by its farmer members, in the possession or under the control of the association.

"Coopera-
tive," when
it may be
used.

653ss. Limitation of the use of term "Cooperative." No person, firm, corporation or association, hereafter organized or doing business in this state, shall be entitled to use the word "cooperative" as part of its corporate or other business name

or title for producers' cooperative marketing activities, unless it has complied with the provisions of this act.

653*tt*. Interest in other corporations or associations. An association may organize, form, operate, own, control, have an interest in, own stock of, or be a member of any other corporation or corporations, with or without capital stock, and engaged in preserving, drying, processing, canning, packing, storing, handling, shipping, utilizing, manufacturing, marketing or selling of the agricultural products handled by the association, or the by-products thereof.

Interest in certain other organizations.

If such corporations are warehousing corporations, they may issue legal warehouse receipts to the association against the commodities delivered by it, or to any other person and such legal warehouse receipts shall be considered as adequate collateral to the extent of the usual and current value of the commodity represented thereby. In case such warehouse is licensed or licensed and bonded under the laws of this state or the United States, its warehouse receipt delivered to the association on commodities of the association or its members, or delivered by the association or its members, shall not be challenged or discriminated against because of ownership or control, wholly or in part, by the association.

Warehouse receipts as collateral.

653*uu*. Contracts and agreements with other associations. Any association may, upon resolution adopted by its board of directors, enter into all necessary and proper contracts and agreements and make all necessary and proper stipulations, agreements and contracts and arrangements with any other cooperative or other corporation, association or associations, formed in this or in any other state, for the cooperative and more economical carrying on of its business or any part or parts thereof. Any two or more associations may, by agreement between them, unite in employing and using or may separately employ and use the same personnel, methods, means and agencies for carrying on and conducting their respective businesses.

Agreements with other organizations.

653*vv*. Associations heretofore organized may adopt the provisions of this act. Any corporation or association, organized under previously existing statutes, may, by a majority vote of its stockholders or members, be brought under the provisions of this act by limiting its membership and adopting the other restrictions as provided herein and shall amend its articles of incorporation to conform to the provisions of this title. It shall make out a statement signed and sworn to by its directors to the effect that the corporation or association has, by a majority vote of its stockholders or members, decided to accept the benefits and be bound by the provisions of this act and has authorized all changes accordingly in its articles of incorporation said statement shall be attached to the amended articles of incorporation.

Existing organizations may reorganize under this law

(a) Any association or corporation which shall adopt the provisions of this act shall be entitled to the remedies herein provided for to prevent the breach of contract on the part of any member or stockholder thereof who has heretofore signed

Provision regarding remedies retro-active.

a contract with such association or corporation, in reference to the sale of delivery or withholding of the products of such member or stockholder the same as if it had been originally organized hereunder.

Associations
not in
restraint
of trade.

653ww. Associations are not in restraint of trade. Any association organized hereunder shall be deemed not to be a conspiracy nor a combination in restraint of trade nor an illegal monopoly; nor an attempt to lessen competition or to fix prices arbitrarily or to create a combination or pool in violation of any law of this state; and the marketing contracts and agreements between the association and its members and any agreements authorized in this act shall be considered not to be illegal nor in restraint of trade nor contrary to the provisions of any statute enacted against pooling or combinations.

Application
of general
corporation
laws.

653xx. Application of general corporation laws. The provisions of the general corporation laws of this state and all powers and rights thereunder, shall apply to the associations organized hereunder, except where such provisions are in conflict with or inconsistent with the express provisions of this act.

Constitu-
tionality.

SEC. 2. Constitutionality of act. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

CHAPTER 104.

An act to amend sections two hundred seventy-five and two hundred seventy-nine of the Code of Civil Procedure, and to add a new section to the said code to be numbered three hundred one, relating to admission to the practice of law.

[Approved May 4, 1923.]

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

SECTION 1. Section two hundred seventy-five of the Code of Civil Procedure is hereby amended to read as follows:

Who may be
admitted as
attorneys.

275. Any citizen of the United States, or any resident of this state who has, bona fide, declared his intention to become a citizen in the manner required by law, of the age of twenty-one years, of good moral character, and who possesses the necessary qualifications of learning and ability, is entitled to admission as attorney and counselor in all of the courts of this state.

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

279. Any citizen of the United States, or any resident of this state who has, bona fide, declared his intention to become a citizen in the manner required by law, who has been admitted to practice law in the highest court of a sister state, or of a foreign country, where the common law of England constitutes the basis of jurisprudence, and who, after such admission, has been engaged in actual practice of law in such state or foreign country for a period of at least three years within the period of seven years immediately preceding the filing of his application, may be admitted to practice in all the courts of this state, by any district court of appeal, upon the production of his license, and satisfactory evidence that his license has not been revoked and that he is of good moral character, and that he has been so engaged in actual practice in such state or foreign country, as above provided. Before admitting any such person to practice, the court shall require an investigation and report by the board of bar examiners as to his moral and other qualifications, unless the court shall otherwise direct in a particular case. In all cases in which such investigation and report shall be required, the applicant shall pay to the clerk of the district court of appeal to which he presents his application, as a fee for such investigation, the sum of fifteen dollars. Such fee must be paid into the state treasury to the credit of the bar examinations fund and disbursed, accounted, settled and charged for in the same manner as provided by law for other fees collected by said clerk, and as provided in section two hundred seventy-six of this code.

Admission of attorneys from other states and countries.

SEC. 3. A new section is hereby added to the Code of Civil Procedure, to be numbered three hundred one, and to read as follows:

301. If an alien, admitted to practice law, fails to become naturalized within a reasonable time after he is eligible, his license shall be revoked, on motion of the attorney general, by the district court of appeal which admitted him to practice.

License of alien may be revoked.

CHAPTER 105.

An act to amend section six hundred sixty of the Code of Civil Procedure, relating to time of hearing and granting motion for new trial.

[Approved May 4, 1923.]

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

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

660. The motion for a new trial must be heard at the earliest practicable time after the filing of affidavits and counter-affidavits, in case the motion is made on affidavits, in other cases after the filing of the notice. On such hearing reference may be had in all cases to the pleadings and orders of the court on

Motion must be heard at time specified or dismissed.

file, and when the motion is made on the minutes, reference may also be had to any depositions and documentary evidence offered at the trial and to the report of the proceedings on the trial taken by the phonographic reporter, or to any certified transcript, of such report, or if there be no such report or certified transcript, to such proceedings occurring at the trial as are within the recollection of the judge; when the proceedings at the trial have been phonographically reported, but the reporter's notes have not been transcribed, the reporter must, upon request of the court, or either party, attend the hearing of the motion, and shall read his notes, or such parts thereof as the court, or either party, may require. The hearing and disposition of the motion for a new trial shall have precedence over all other matters except criminal cases, probate matters and cases actually on trial, and it shall be the duty of the court to determine the same at the earliest possible moment. The power of the court to pass on motion for new trial shall expire within two months after the verdict of the jury or service on the moving party of notice of the entry of the judgment. If such motion is not determined within said two months, the effect shall be a denial of the motion without further order of the court.

New trial hearing has precedence.

CHAPTER 106.

An act to amend section one thousand one hundred eighty-four a of the Code of Civil Procedure, relating to notice to owner of labor performed and materials furnished.

[Approved May 4, 1923.]

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

SECTION 1. Section one thousand one hundred eighty-four a of the Code of Civil Procedure is hereby amended to read as follows:

Time of commencing action.

1184a. No action to enforce the payment of any such claim shall be commenced against the owner, nor against the state or any public board, commission, or officer thereof, nor against any political subdivision of the state or the disbursing officer thereof whose duty it is to make payments under provisions of such contract, prior to the expiration of the period within which claims of lien must be filed for record, as prescribed by section one thousand one hundred eighty-seven of this code, nor shall any such suit be commenced later than ninety days following the expiration of such period. No money or bond shall be withheld by reason of any such notice longer than said ninety days following the expiration of such period unless proceedings be commenced in a proper court within that time by the claimant to enforce his claim; and in case such proceedings be so commenced but be not prosecuted to trial within two years after the commencement thereof, the court may in its discretion dismiss the same for want of prosecution; and in all cases upon the dismissal of such proceedings, unless it be

expressly stated that the same is without prejudice, or upon a judgment rendered therein against the claimant, or upon the termination of said ninety days above provided if such proceedings have not been commenced, such notice shall cease to be effective and the moneys or bonds withheld shall be paid or delivered to the contractor or other person to whom they are due. Notice of such proceedings shall be given or filed within five days after the commencement thereof to the same persons and in the same manner as provided in section one thousand one hundred eighty-four of this code with respect to notice of claim. Any number of persons who have given such notices may join in the same action and when separate actions are commenced the court first acquiring jurisdiction may consolidate them. Upon the demand of the owner the court shall require all claimants to the moneys withheld by the owner in response to such notices to be impleaded in said action, to the end that the respective rights of all parties may be adjudicated and settled therein.

Consolidation of actions.

CHAPTER 107.

An act to amend section six hundred fifty-three sb of the Civil Code, relating to cooperative agricultural, viticultural and horticultural associations.

[Approved May 4, 1923.]

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

SECTION 1. Section six hundred fifty-three sb of the Civil Code is hereby amended to read as follows:

653sb. Nothing in this title shall be deemed to prohibit any cooperative association formed or existing hereunder from having and exercising the same powers in carrying out its purposes as are enjoyed or exercised by corporations which issue capital stock.

General powers.

Any association formed or existing under this title shall conduct and carry on its business without profit to itself; it may, however, use or employ any of its facilities for any purpose, provided the proceeds arising from such use and employment shall go to reduce the cost of operation for its members; and provided, further, that products of non-members, similar to the products handled for its members, shall not be dealt in to an amount greater in value than such as are handled by it for members.

Profit.

CHAPTER 108.

An act to amend section four thousand one hundred fifty-seven of the Political Code, relating to duties of the sheriff.

[Approved May 4, 1923.]

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

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

Duties of
sheriff.

4157. The sheriff must:

1. Preserve peace.
2. Arrest and take before the nearest magistrate for examination all persons who attempt to commit, or who have committed, a public offense.
3. Prevent and suppress any affrays, breaches of the peace, riots, and insurrections which may come to his knowledge; and investigate public offenses which have been committed.
4. Attend all superior courts held within his county, and obey all lawful orders and directions of all courts held within his county.
5. Command the aid of as many male inhabitants of his county as he may think necessary in the execution of these duties.
6. Take charge of and keep the county jail, and the prisoners therein.
7. Release on the record all attachments of real property, when the attachment placed in his hand has been released or discharged.
8. Indorse upon all process and notices the year, month, day, hour and minute of reception and issue therefor to the person delivering it, on payment of fees, a certificate showing the names of the parties, title of paper, and time when received.
9. Serve all process and notices in the manner prescribed by law.
10. Certify, under his hand, upon process or notices, the manner and time of service, or if he fails to make service, the reason of his failure, and return the same without delay.

CHAPTER 109.

An act to amend section one thousand one hundred ninety of the Code of Civil Procedure, relating to time of continuance of mechanic's liens.

[Approved May 5, 1923.]

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

SECTION 1. Section one thousand one hundred ninety of the Code of Civil Procedure is hereby amended to read as follows:

Time of
continuance
of lien.

1190. No lien provided for in this chapter binds any property for a longer period than ninety days after the same has

been filed, unless proceedings be commenced in a proper court within that time to enforce the same; or, if a credit be given and notice of the fact and terms of such credit be filed in the office of the county recorder subsequent to the filing of such lien and prior to the expiration of said ninety day period, then ninety days after the expiration of such credit; but no lien continues in force for a longer time than one year from the time the work is completed, by any agreement to give credit, and in case such proceedings be not prosecuted to trial within two years after the commencement thereof, the court may in its discretion dismiss the same for want of prosecution, and in all cases the dismissal of such action (unless it be expressly stated that the same is without prejudice) or a judgment rendered therein that no lien exists, shall be equivalent to the cancellation and removal from the record of such lien.

CHAPTER 110.

An act to repeal section one thousand eight hundred thirty-five of the Code of Civil Procedure, relating to satisfactory evidence.

[Approved May 5, 1923.]

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

SECTION 1. Section one thousand eight hundred thirty-five of the Code of Civil Procedure is hereby repealed. Repealed.

CHAPTER 111.

An act to add a new section to the Penal Code, to be numbered six hundred forty-four, relating to habitual criminals.

[Approved May 5, 1923.]

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

SECTION 1. A new section is hereby added to the Penal Code, to be numbered six hundred forty-four, and to read as follows:

644. Every person convicted in this state of any felony who shall previously have been twice convicted, whether in this state or elsewhere, of the crime of robbery, burglary, rape with force and violence, arson or any of them, shall be adjudged to be an habitual criminal and shall be punished by imprisonment in the state penitentiary for not less than ten years. Third conviction.
Penalty.

Every person convicted in this state of any felony who shall previously have been three times convicted, whether in this state or elsewhere of the crime of robbery, burglary, rape with force and violence, arson or any of them, shall be punished by imprisonment in the state penitentiary for not less than life; *provided, however,* that nothing in this act shall abrogate or affect the punishment of death in any and all crimes now or hereafter inflicting such punishment of death. Fourth conviction.
Penalty.

CHAPTER 112.

An act to amend section seven of an act entitled, "An act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds," approved April 27, 1911.

[Approved May 5, 1923.]

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

Stats. 1911,
p. 1196,
amended.

SECTION 1. Section seven of an act entitled, "An act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds," approved April 27, 1911, is hereby amended to read as follows:

Sale of
bonds.

Sec. 7. Improvement bonds or any number of such bonds, issued hereunder, except as otherwise provided in section nine hereof, shall be sold to the highest cash bidder, after advertisement for bids, which advertisement shall be published for at least three times in a daily newspaper published and circulated in said city, or if there be no such daily newspaper, then such advertisement shall be published once in a weekly or semi-weekly newspaper so published and circulated; *provided, however*, that said bonds shall not be sold for less than par. If any bond be sold for an amount in excess of par such excess shall be paid into the general fund of the city, or if the city shall have no general fund, then such excess shall be paid into the reserve fund of such city. If any of such bonds shall remain unsold after advertising for bids, such bonds or any thereof may be sold at any time thereafter for not less than their par value.

Advertis-
ment.

CHAPTER 113.

An act to amend section two thousand four hundred sixty-six of the Civil Code, relating to the use of fictitious names.

[Approved May 5, 1923.]

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

SECTION 1. Section two thousand four hundred sixty-six of the Civil Code, is hereby amended to read as follows:

Fictitious
names,
duties of
those using.

2466. Except as otherwise provided in the next section every person transacting business in this state under a fictitious name and every partnership transacting business in this state under a fictitious name, or a designation not showing the names of the persons interested as partners in such business, must file with the clerk of the county in which his or its principal place of business is situated, a certificate, stating the name in full and the place of residence of such person and stating the names in full of all the members of such partnership and their places of residence. Such certificate must be published once

a week for four successive weeks, in a newspaper published in the county, if there be one, and if there be none in such county, then in a newspaper in an adjoining county. An affidavit showing the publication of such certificate shall be filed with the county clerk within thirty days after the completion of such publication.

CHAPTER 114.

An act to amend section five hundred forty-two of the Code of Civil Procedure, relating to attachments.

[Approved May 5, 1923.]

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

SECTION 1. Section five hundred forty-two of the Code of Civil Procedure is hereby amended to read as follows:

542. The sheriff to whom the writ is directed and delivered, must execute the same without delay, and if the undertaking mentioned in section five hundred forty be not given, as follows:

1. Real property, standing upon the records of the county in the name of the defendant, must be attached, by filing with the recorder of the county a copy of the writ, together with a description of the property attached, and a notice that it is attached; and by leaving a similar copy of the writ description, and notice with an occupant of the property, if there is one; if not, then by posting the same in a conspicuous place on the property attached. Whenever an attachment is made on a building in the course of construction, a copy of the writ must be posted in a conspicuous place on such building.

If real and personal property shall be attached.

2. Real property, or an interest therein, belonging to the defendant, and held by any other person, or standing on the records of the county in the name of any other person, must be attached, by filing with the recorder of the county a copy of the writ, together with a description of the property, and a notice that such real property, and any interest of the defendant therein, held by or standing in the name of such other person (naming him), are attached; and by leaving with the occupant, if any, and with such other person, or his agent, if known and within the county, or at the residence of either, if within the county, a copy of the writ, with a similar description and notice. If there is no occupant of the property, a copy of the writ, together with such description and notice, must be posted in a conspicuous place upon the property. The recorder must index such attachment when filed, in the names, both of the defendant and of the person by whom the property is held or in whose name it stands on the records.

3. Personal property, capable of manual delivery, must be attached by taking it into custody.

4. Stocks or shares, or interest in stocks or shares, of any corporation or company, must be attached by leaving with the president, or other head of the same, or the secretary, cashier, or other managing agent thereof, a copy of the writ, and a notice stating that the stock or interest of the defendant is attached, in pursuance of such writ.

5. Debts and credits and other personal property, not capable of manual delivery, must be attached by leaving with the person owing such debts, or having in his possession, or under his control, such credits and other personal property, or with his agent, a copy of the writ, and a notice that the debts owing by him to the defendant, or the credits and other personal property in his possession, or under his control, belonging to the defendant, are attached in pursuance of such writ, except in the case of attachment of growing crops, a copy of the writ, together with a description of the property attached, and a notice that it is attached, shall be recorded the same as in the attachment of real property.

CHAPTER 115.

An act to amend section one thousand four hundred seventy of the Penal Code, relating to proceedings if appeal is dismissed or judgment affirmed.

[Approved May 5, 1923.]

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

SECTION 1. Section one thousand four hundred seventy of the Penal Code is hereby amended to read as follows:

Proceedings
if appeal is
dismissed or
judgment
affirmed.

1470. If the appeal is dismissed or the judgment affirmed, a copy of the order of dismissal or judgment of affirmance must be submitted to the sheriff of the county and remitted to the court below, which may proceed to enforce its sentence.

CHAPTER 116.

An act to amend section two hundred thirty-two of the Code of Civil Procedure, relating to the officer's return on summoning of jurors for justices' or police courts.

[Approved May 5, 1923.]

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

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

Officer's
return.

232. The officer summoning such jurors shall, at the time fixed in the order for their appearance, return it to the court with a list of persons summoned endorsed thereon and the manner in which each person was notified.

CHAPTER 117.

An act to amend section two hundred thirty-one of the Code of Civil Procedure, relating to the summoning of jurors for justices' or police courts.

[Approved May 5, 1923.]

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

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

231. Such jurors must be summoned from the persons ^{Jurors, how to be, summoned.} competent to serve as jurors resident in the city and county, township, city or township in which such court has jurisdiction by notifying them orally that they are summoned and of the time and place at which their attendance is required, or by leaving a written notice to that effect at his place of residence with some person of proper age, or by mailing such notice by registered mail.

CHAPTER 118.

An act to amend section one thousand three hundred four of the Code of Civil Procedure, relating to notice of time appointed for probate of will to be sent to heirs, devisees, legatees and named executors.

[Approved May 5, 1923.]

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

SECTION 1. Section one thousand three hundred four of the Code of Civil Procedure is hereby amended so as to read as follows:

1304. Copies of the notice of the time appointed for the probate of the will must be addressed to the heirs of the testator and the devisees and legatees named in the will at their places of residence, if known to the petitioner, and deposited in the post office, with the postage thereon prepaid, at least ten days before the hearing. If their places of residence be not known, the copies of notice may be addressed to them, and deposited in the post office at the county seat of the county where the proceedings are pending. A copy of the same notice must in like manner be mailed to the person named as executor, if he be not the petitioner; also, to any person named as co-executor not petitioning, if their places of residence be known. Proof of mailing the copies of the notice must be made at the hearing. Personal service of copies of the notice at least ten days before the day of hearing is equivalent to mailing. ^{Notification of time for probate of will.}

CHAPTER 119.

An act to add a new section to the Political Code, to be numbered two thousand one hundred ninety-two a, relating to commitment of imbeciles.

[Approved May 5, 1923.]

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

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

Costs of hearing and commitment, who liable for.

2192a. The cost necessarily incurred in determining whether a person is a fit subject for admission to the home for feeble-minded and securing his admission thereto, is a charge upon the county, or city and county, whence he is committed. Such costs include the fees of witnesses, medical examiners, psychiatrists and psychologists allowed by the judge ordering the examination. If the person sought to be committed is not a poor or indigent person, the costs of the proceedings are a charge upon his estate, or must be paid by persons legally liable for his maintenance, unless otherwise ordered by the judge.

CHAPTER 120.

An act to add a new section to the Political Code, to be numbered four thousand three hundred twenty-six, relating to peace officers.

[Approved May 5, 1923.]

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

SECTION 1. A new section is hereby added to the Political Code, to be numbered four thousand three hundred twenty-six, and to read as follows:

Citizenship and residence of certain deputies.

4326. No person shall be appointed deputy sheriff, deputy constable or deputy marshal unless he is a citizen of this state and shall have been a resident of this state for not less than one year next preceding the date of his appointment.

CHAPTER 121.

An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of section thirty-four of article four of the constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922.

[Approved May 7, 1923, with reductions and eliminations attached hereto.]

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

General appropriations.

SECTION 1. The following sums of money are hereby appropriated out of any money in the state treasury not otherwise

appropriated, and shall be used for the support of the State of California for the seventy-fifth and seventy-sixth fiscal years. In all cases in which statutory provisions or appropriations have been made for items of salary or of support included in this act the amounts herein appropriated shall govern, and such other appropriations shall not be deemed in addition hereto. Appropriations for purposes not otherwise provided for herein which have been heretofore made by any provision of the constitution or of any existing statute shall not be affected by this act but shall continue to be governed by the constitutional or statutory provisions applicable thereto.

LEGISLATURE

For salaries of senators, forty thousand dollars.

Legislature.

For mileage of lieutenant governor and senators, four thousand four hundred dollars.

For pay of officers, clerks and all other employees of senate, fifty thousand dollars.

For contingent expenses of senate, fifteen thousand dollars.

For salaries of assemblymen, eighty thousand dollars.

For mileage of assemblymen, seven thousand six hundred dollars.

For pay of officers, clerks and all other employees of assembly, fifty thousand dollars.

For contingent expenses of assembly, eighteen thousand dollars.

For printing, binding and all other work performed and materials furnished by the division of printing of the department of finance to the legislature, one hundred forty-five thousand eight hundred seventy-three and $\frac{3}{100}$ dollars.

For legislature mailing, three thousand dollars.

LEGISLATIVE COUNSEL BUREAU

For salaries of legislative counsel and employees, twenty thousand two hundred thirty-six dollars.

Legislative
counsel
bureau.

For support, two thousand three hundred thirty dollars.

For new equipment, three hundred dollars.

JUDICIAL

For salaries of justices of supreme court and employees, two hundred forty-two thousand four hundred eighty dollars.

Judicial
department.

For support of supreme court twenty-two thousand eight hundred dollars.

For new equipment, six thousand dollars.

For salaries of justices and employees of first district court of appeal, one hundred forty thousand three hundred dollars.

For support of first district court of appeal, six thousand four hundred fifty dollars.

For new equipment, two thousand dollars.

For salaries of justices and employees of second district court of appeal, one hundred thirty-six thousand seven hundred sixty dollars.

For support of second district court of appeal, five thousand four hundred dollars.

For new equipment, four thousand two hundred dollars.

For salaries of justices and employees of third district court of appeal, seventy-three thousand six hundred dollars.

For support third district court of appeal, two thousand six hundred dollars.

For new equipment, eight hundred dollars.

For state's portion of salaries of judges of superior courts, six hundred eighty-three thousand nine hundred fourteen and $\frac{6}{100}$ dollars.

For salaries of employees of board of bar examiners, five thousand dollars.

For support board bar examiners, nine thousand ten dollars.

EXECUTIVE

Executive
department.

For salaries of governor, his secretaries and employees, forty-four thousand two hundred dollars.

For postage, etc., traveling and contingent expenses, governor's office (exempt from section six hundred seventy-two of the Political Code), eighteen thousand four hundred dollars.

For special contingent expenses (secret service), governor's office (exempt from provisions of section four hundred thirty-three and six hundred seventy-two of the Political Code), ten thousand dollars.

For printing, etc., governor's office, one thousand five hundred dollars.

For support of governor's residence (exempt from sections four hundred thirty-three and six hundred seventy-two of Political Code), seventeen thousand five hundred dollars.

For salary of lieutenant governor, eight thousand dollars.

ADMINISTRATIVE

Finance,
department
of.

For salaries of officers and employees of the department of finance, exclusive of salaries of officers and employees of the divisions of printing, motor vehicles, and libraries thereof, five hundred fourteen thousand six hundred twelve dollars.

For support of the department of finance, exclusive of the divisions of printing, motor vehicles and libraries thereof, one hundred twenty-one thousand six hundred fifty dollars.

Printing,
division of.

For salaries of chief and employees of division of printing of the department of finance, six hundred nineteen thousand eight hundred dollars.

For support of division of printing, of the department of finance, six hundred two thousand dollars.

Civil Service
commission.

For salaries of civil service commissioners and employees, fifty-two thousand four hundred dollars.

For support of civil service commission, sixteen thousand six hundred dollars.

For new equipment for civil service commission, one thousand dollars.

For salaries of secretary of state, deputy and employees, one hundred eight thousand nine hundred dollars. Secretary of state.

For support of secretary of state, twenty-three thousand eight hundred fifty dollars.

For compiling, printing, and distributing constitutional amendments, thirty-five thousand dollars.

For salaries of state treasurer, deputy and employees fifty-four thousand nine hundred sixty dollars.

For support of state treasurer, four thousand eight hundred dollars. Treasurer

For salaries, state controller, deputy and employees one hundred ninety-one thousand five hundred twenty dollars. Controller.

For support, state controller, sixty-six thousand dollars.

For salaries of attorney general, deputies and employees, one hundred thirty-one thousand eight hundred eighty dollars. Attorney general.

For support, attorney general, thirty-two thousand three hundred twenty dollars.

For new equipment, attorney general, two thousand dollars.

For salaries of members of state board of equalization, secretary and employees, fifty-seven thousand four hundred dollars. Equalization, board of.

For support, state board of equalization ten thousand six hundred dollars.

For new equipment, state board of equalization, two hundred dollars.

For traveling expenses of the state board of equalization such sum or sums as are provided in section three thousand seven hundred two of the Political Code.

For investigations and appraisements, state board of equalization, such sum or sums as are provided in chapter four hundred twenty-eight, statutes of nineteen twenty-one.

PREVENTIVE

For salaries of employees state board of health, three hundred sixty thousand six hundred sixty-three and $\frac{42}{100}$ dollars. Health, board of.

For support, state board of health, three hundred eight thousand five hundred thirty-six and $\frac{58}{100}$ dollars.

For salaries of employees of state board of medical examiners, forty-eight thousand three hundred dollars. Medical examiners.

For support, state board of medical examiners, forty-one thousand five hundred fifty dollars.

For salaries of employees of state board of osteopathic examiners, eight thousand three hundred sixty dollars. Osteopathic examiners.

For support, state board of osteopathic examiners, six thousand dollars.

For salaries of employees of state board of chiropractic examiners, six thousand six hundred eighty dollars. Chiropractic examiners.

For support, state board of chiropractic examiners, six thousand five hundred twenty dollars.

Dental examiners.

For salaries of employces of state board dental examiners, nine thousand eight hundred dollars.

For support, state board dental examiners, seven thousand eight hundred dollars.

Embalmers, board of.

For salaries of employees of state board of embalmers, one thousand eight hundred dollars.

For support, state board of embalmers, two thousand one hundred fifty dollars.

Optometry, board of.

For salaries of employees of state board of optometry, three thousand three hundred sixty dollars.

For support, state board of optometry, three thousand seven hundred dollars.

Pharmacy, board of.

For salaries of employees of state board of pharmacy, fifty-nine thousand nine hundred eighty dollars.

For support, state board of pharmacy, thirty-eight thousand seven hundred dollars.

Veterinary examiners.

For support, state board of examiners in veterinary medicine, five hundred dollars.

Labor commissioner.

For salaries of labor commissioner and employees of bureau of labor statistics, two hundred eighteen thousand dollars.

For support, bureau of labor statistics, sixty-nine thousand dollars.

For new equipment, bureau of labor statistics, one thousand dollars.

Industrial welfare commission.

For salaries of officers and employees of industrial welfare commission, forty-two thousand four hundred sixty dollars.

For support, industrial welfare commission thirteen thousand six hundred dollars.

Railroad commission.

For salaries of railroad commissioners and employees, six hundred thirty-seven thousand two hundred dollars.

For support, railroad commission, two hundred forty-one thousand four hundred dollars.

Industrial accident commission.

For salaries of industrial accident commissioners and employees, four hundred one thousand nine hundred twenty dollars.

For support, industrial accident commission, one hundred forty-one thousand nine hundred dollars.

Harbor commissioners.

For salaries of state board of harbor commissioners and employees, one million five hundred eight thousand two hundred thirty-nine dollars.

For support, state board of harbor commissioners, one million seven hundred sixty-one thousand dollars.

Harbor bonds.

For interest on, and redemption of, San Francisco state harbor bonds, one million twenty-nine thousand dollars.

Eureka harbor.

For salaries of commissioners and employees, harbor commissioners for the port of Eureka, six thousand eight hundred dollars.

For support, harbor commission for the port of Eureka, one thousand dollars.

For salaries of commissioners and employees, harbor commissioners for the port of San Diego, two thousand dollars. San Diego harbor.

For support, harbor commission for the port of San Diego, one hundred dollars.

For salaries of employees of state board of pilot commissioners, two thousand four hundred dollars. Pilot commissioners.

For support, state board of pilot commissioners, one thousand one hundred dollars.

For salaries of state insurance commissioner, deputies and employees, one hundred eighteen thousand, seven hundred sixty dollars. Insurance commission.

For support, state insurance commission, forty-five thousand nine hundred seventy dollars.

For new equipment, state insurance commission, two hundred dollars.

For salaries of superintendent of banks, deputies and employees, two hundred seventy-seven thousand eight hundred dollars. Banking department.

For support, state banking department, one hundred thirty-five thousand one hundred fifty dollars.

For salaries, state building and loan commissioner, deputies and employees, twenty thousand seven hundred sixty dollars. Building and loan.

For support, bureau of building and loan supervision, eight thousand four hundred dollars.

For support, state board of accountancy, five thousand thirty dollars. Accountancy.

For salaries of employees of state board of architecture, northern district, two thousand forty dollars. Architecture.

For support, state board of architecture, northern district, three thousand eight hundred forty dollars.

For salaries of employees of state board of architecture, southern district, two thousand forty dollars.

For support, state board of architecture, southern district, three thousand seventy dollars.

For salaries of state corporation commissioner, deputies and employees, two hundred seventy-seven thousand four hundred twenty dollars. Corporation department.

For support, state corporation department, seventy-three thousand three hundred fifty-two dollars.

For salaries and support of the state real estate department such sum or sums as are provided in chapter six hundred five, statutes of nineteen nineteen, and the amendments thereto, such amounts to be paid from the real estate commissioner's fund created thereby. Real estate department.

For support, detective license department, board of prison directors, eight hundred seventy dollars. Detective license department.

For salaries of employees of commission of immigration and housing of California, eighty-three thousand two hundred eighty dollars. Immigration and housing.

For support, commission of immigration and housing of California, forty-one thousand six hundred ten dollars.

BENEVOLENT

Veterans' home.

For salaries of officers and employees of the Veterans' Home of California, two hundred fifty-six thousand eight hundred twenty-four dollars.

For support, Veterans' Home of California, two hundred forty-six thousand two hundred sixty-six dollars.

For new equipment, Veterans' Home of California, seven thousand two hundred fifty dollars.

For permanent improvements, Veterans' Home of California, thirty-six thousand dollars. All funds hereafter received from the government of the United States in aid of said veterans' home, or of the members thereof, either by way of a per capita tax for said members, or otherwise received are made available, and are hereby appropriated to be expended upon the approval of the state board of control for the maintenance, construction and repair of buildings, or for the use and benefit of such members.

Industrial home for adult blind

For salaries of officers and employees of Industrial Home for Adult Blind, fifty-one thousand eight hundred forty dollars.

For support, Industrial Home for Adult Blind, fifty-nine thousand nine hundred ninety-six dollars.

For support of factory, Industrial Home for Adult Blind, one hundred thousand dollars.

For new equipment, Industrial Home for Adult Blind, one thousand seven hundred sixty-two and $\frac{39}{100}$ dollars.

For permanent improvements, Industrial Home for Adult Blind, ten thousand dollars.

Woman's relief corps home.

For salaries of officers and employees of the Woman's Relief Corps Home, twelve thousand eight hundred fifty dollars.

For support, Woman's Relief Corps Home, seventeen thousand one hundred fifty dollars.

For repair, Woman's Relief Corps Home, one thousand five hundred dollars.

For purchase of land, Woman's Relief Corps Home, five thousand dollars.

Charities and corrections

For salaries of officers and employees, state board of charities and corrections, thirty-two thousand two hundred eighty dollars.

For support, state board of charities and corrections, sixteen thousand eight hundred dollars.

Orphans.

For support of orphans such sum or sums as are provided in section two thousand two hundred eighty-three of the Political Code.

CORRECTIVE

School for girls.

For salaries of officers and employees of the California School for Girls, one hundred twenty thousand twenty-eight dollars.

For support, California School for Girls, one hundred nine thousand six hundred twenty-six dollars.

For new equipment, California School for Girls, five hundred fifty dollars.

For permanent improvements, California School for Girls, three hundred dollars.

For salaries of officers and employees of the Preston School of Industry, two hundred thirty-one thousand six hundred sixty dollars. Preston school of industry.

For repairs, Preston School of Industry, ten thousand dollars.

For support, Preston School of Industry, three hundred twenty-four thousand three hundred twenty-five dollars.

For new equipment, Preston School of Industry, two thousand six hundred twenty-five dollars.

For permanent improvements, Preston School of Industry, nine thousand dollars.

For salaries of officers and employees, Whittier State School, one hundred sixty-seven thousand four hundred twenty-eight dollars. Whittier state school.

For support, Whittier State School, two hundred nine thousand four hundred seventy-five dollars.

For new equipment, Whittier State School, five thousand three hundred twenty-five dollars.

For permanent improvements, Whittier State School, twenty thousand dollars.

For repairs, Whittier State School, ten thousand dollars.

CURATIVE

For deportation of insane persons, fifty thousand dollars.

For salaries of the director and employees of the department of institutions, forty-one thousand two hundred dollars. Institutions, department of.

For support, department of institutions, eleven thousand six hundred dollars.

For new equipment, department of institutions, two hundred dollars.

For salaries of officers and employees of the Agnews State Hospital, four hundred thirty-four thousand sixty dollars. Agnews state hospital.

For support, Agnews State Hospital, five hundred sixty-four thousand seven hundred dollars.

For new equipment, Agnews State Hospital, eight thousand one hundred dollars.

For permanent improvements, Agnews State Hospital, seven thousand dollars.

For salaries of officers and employees of the Mendocino State Hospital, three hundred twenty thousand three hundred thirty dollars. Mendocino state hospital.

For support, Mendocino State Hospital, three hundred twenty-six thousand nine hundred twenty dollars.

For new equipment, Mendocino State Hospital, thirteen thousand nine hundred dollars.

For permanent improvements, Mendocino State Hospital, fifty-nine thousand nine hundred dollars.

For salaries of officers and employees of Napa State Hospital, six hundred thirty-two thousand six hundred eighty dollars. Napa state hospital.

For support, Napa State Hospital, seven hundred sixteen thousand four hundred dollars.

For new equipment, Napa State Hospital, ten thousand seven hundred fifty-five dollars.

For permanent improvements, Napa State Hospital, fifty-five thousand four hundred sixty dollars.

Norwalk
state
hospital.

For salaries of officers and employees of the Norwalk State Hospital, two hundred sixty-three thousand one hundred twenty dollars.

For support, Norwalk State Hospital, two hundred eighty thousand twenty-five dollars.

Sonoma
state home.

For salaries of officers and employees of the Sonoma State Home, four hundred thirty-three thousand nine hundred sixty-four dollars.

For support, Sonoma State Home, five hundred ninety-five thousand seven hundred seventeen and $\frac{10}{100}$ dollars.

For new equipment, Sonoma State Home, nine hundred seventy dollars.

For permanent improvements, Sonoma State Home, one hundred nine thousand five hundred dollars.

Southern
California
state
hospital.

For salaries of officers and employees of the Southern California State Hospital, six hundred forty-two thousand two hundred forty dollars.

For support, Southern California State Hospital, six hundred seventy-three thousand three hundred eighty-five dollars.

For new equipment, Southern California State Hospital, twelve thousand three hundred fifteen dollars.

For permanent improvements, Southern California State Hospital, ninety-eight thousand dollars.

Stockton
state
hospital.

For salaries of officers and employees of the Stockton State Hospital, six hundred eighty-four thousand three hundred ninety-two dollars.

For support, Stockton State Hospital, seven hundred twenty-five thousand three hundred dollars.

For new equipment, Stockton State Hospital, two thousand dollars.

For permanent improvements, Stockton State Hospital, one hundred seventy-seven thousand two hundred dollars.

Transporta-
tion.

For transportation of insane and prisoners, two hundred seventy thousand dollars.

PENAL

Industrial
farm for
women.

For salaries and support of officers and employees of the California Industrial Farm for Women, seventy-five thousand dollars.

For permanent improvements, California Industrial Farm for Women, one hundred twenty thousand dollars.

San Quentin
state prison.

For salaries of officers and employees of San Quentin Prison, three hundred forty thousand eight hundred dollars.

For support, San Quentin Prison, one million ninety-four thousand two hundred dollars.

For new equipment, San Quentin Prison, one hundred thousand dollars.

For permanent improvements, San Quentin Prison, fifteen thousand dollars.

For salaries of officers and employees of Folsom State Prison, two hundred sixty-nine thousand two hundred eighty dollars. Folsom state prison.

For support, Folsom State Prison, four hundred fifty-four thousand four hundred dollars.

For permanent improvements, Folsom State Prison, twenty-three thousand dollars.

For salaries of officers and employees of the parole department of the department of the state prison directors, twenty-six thousand two hundred eighty dollars. Parole department.

For support, parole department of the department of state prison directors, eleven thousand three hundred thirty-six dollars.

For new equipment, parole department of the department of state prison directors, three hundred dollars.

For salaries of officers and employees of the state bureau of criminal identification and investigation, forty-two thousand one hundred sixty dollars. Criminal identification, etc. bureau.

For support, state bureau of criminal identification and investigation, six thousand seven hundred forty dollars.

For new equipment, state bureau of criminal identification and investigation, four hundred dollars.

For transportation on account of arrests of criminals without the state, fifty thousand dollars.

For rewards offered by governor, four thousand dollars.

For advisory pardon board, five thousand dollars.

CONSERVATION

For salaries of officers, and employees of the state board of forestry, twenty-five thousand and eighty dollars. Forestry board of.

For support, state board of forestry, fifty-five thousand four hundred forty-eight dollars.

For new equipment, state board of forestry, three hundred dollars.

For salaries of officers and employees of the Redwood park commission, eighteen thousand seven hundred sixty dollars. Redwood parks.

For support, Redwood park commission, six thousand eight hundred forty dollars.

For purchase of land California redwood park, such sum or sums as are provided in chapter six hundred ninety. statutes of nineteen seventeen.

For support, Humboldt redwood park, five thousand dollars.

For support of state nursery, five thousand dollars. Nursery.

DEVELOPMENTAL

For salaries of officers and employees of the state agricultural society, eighty-six thousand one hundred twenty dollars. Agricultural society

For support, state agricultural society, two hundred fifty-two thousand eight hundred dollars.

For new equipment, state agricultural society, two hundred dollars.

For statistics state agricultural society, such sum or sums as are provided in chapter five hundred eighty-four, statutes of nineteen eleven.

6th district agricultural association. For salaries of officers and employees of the sixth district agricultural association, fifty thousand seven hundred fourteen dollars.

For support, sixth district agricultural association, sixteen thousand eight hundred ninety dollars.

Agriculture, department of. For salaries of director and employees of the state department of agriculture, nine hundred twenty-eight thousand three hundred forty dollars.

For support, state department of agriculture, four hundred sixty-seven thousand three hundred sixty-four dollars.

For new equipment, state department of agriculture, eight thousand three hundred twenty-five dollars.

Surveyor general. For salaries of surveyor general, deputy and employees, fifty-one thousand four hundred dollars.

For support, surveyor general, seven thousand five hundred sixty dollars.

For new equipment surveyor general, one thousand two hundred dollars.

Highway commission. For salaries of the California highway commissioners, twenty-one thousand six hundred dollars.

For support of California highway commission all revenues from bond sales under authority of section two, article sixteen of the constitution: all revenues from motor vehicle registration, as provided in chapter one hundred eighty-eight, statutes of nineteen fifteen and amendments thereto: all receipts from the federal government under an act of congress and authority provided by chapter five hundred thirty-seven, statutes of nineteen seventeen.

Highway bonds. For highway bond interest and redemption, such sum or sums as are provided in chapter three hundred eighty-three, statutes of nineteen hundred nine: chapter four hundred four, statutes of nineteen fifteen: chapter ninety-three, statutes of nineteen nineteen.

Public works, department of. For salaries of the department of public works director and employees, forty-three thousand one hundred twenty-four dollars.

For support, department of public works, three thousand six hundred six dollars.

Water rights, division of. For salaries of officers and employees of the division of water rights, department of public works, ninety-six thousand eight hundred eighty dollars.

For support, division of water rights, department of public works, thirty-five thousand nine hundred dollars.

Engineering, etc., division of. For salaries of officers and employees of the division of engineering and irrigation, department of public works, thirty-seven thousand seven hundred twenty dollars.

For support, division of engineering and irrigation, department of public works, fourteen thousand four hundred dollars.

For new equipment division of engineering and irrigation, department of public works, seven hundred dollars.

For emergency flood protection and rectification of river channels in cooperation with other agencies, one hundred fifty thousand dollars. Flood protection.

For investigation of water resources, such sum or sums as are provided in chapter seven hundred four, statutes of nineteen hundred nine. Water resources investigation.

For salaries of officers and employees of the division of architecture, department of public works, thirty-one thousand six hundred fifty-six dollars. Architecture, division of.

For support, division of architecture, department of public works, twenty thousand three hundred fifty dollars.

For salaries, state mineralogist, deputies and employees, two hundred fifty-three thousand four hundred eighty dollars. Mining bureau

For support, state mining bureau, one hundred six thousand four hundred eighteen dollars.

For salaries, support and permanent improvements for the fish and game commission, such sum or sums as are provided in chapter two hundred fifty-six, statutes of nineteen hundred nine and all amendments thereto, such payments to be made from the fish and game preservation fund created thereby. Fish and game commission.

For Sacramento and San Joaquin drainage district number six such sum or sums as are provided in chapter five hundred fifty-six, statutes of nineteen nineteen. Drainage district.

For Los Angeles flood control such sum or sums as are provided in chapter seven hundred forty-nine, statutes of nineteen twenty-one. Los Angeles flood control.

For uses veterans' welfare board for purchase of farms and homes such sum or sums as are provided in initiative act approved November seventh, nineteen twenty-two. Veterans' welfare board

DEFENSIVE

For salaries of adjutant general and employees, thirty-two thousand six hundred dollars. Adjutant general

For support, adjutant general, four hundred thousand dollars.

For maintenance, high school cadets, twenty thousand dollars.

EDUCATIONAL

For salaries, employees of state board of education, eighty-five thousand eight hundred ninety dollars. Education, board of.

For support, state board of education, thirty-eight thousand seven hundred dollars.

For new equipment, state board of education, eight hundred fifty dollars.

For free text books, state board of education, five hundred seventy-six thousand nine hundred eighty-three and $\frac{33}{100}$ dollars.

For vocational rehabilitation such sum or sums as are provided in chapter seven hundred fifty-eight, statutes of nineteen twenty-one.

For vocational education (Smith-Hughes act) such sum or sums as are provided in chapter seven hundred twenty, statutes of nineteen seventeen.

For teachers permanent fund such sum or sums as are provided in chapter six hundred ninety-four, statutes of nineteen thirteen.

Public
instruction,
superin-
tendent of.

For salaries, superintendent of public instruction, deputies, and employes, forty-one thousand six hundred eighty dollars.

For support, superintendent of public instruction, forty-three thousand three hundred thirty dollars.

For new equipment, superintendent of public instruction, six hundred dollars.

Southern
branch
U. of C.

For support, salaries, permanent improvements and repairs, southern branch University of California, one million four hundred fifty thousand dollars.

For textbooks for orphans such sum or sums as are provided in chapter four hundred seventy-two, statutes of nineteen hundred seven.

For support of elementary schools such sum or sums as are provided in section six of article nine of the constitution.

For support of secondary schools such sum or sums as are provided in section six of article nine of the constitution.

For support of junior colleges such sum or sums as are provided in chapter four hundred seventy, statutes of nineteen twenty-one.

Agriculture,
college of.

For support, college of agriculture, University of California, two million eight hundred fifty-seven thousand two hundred fifty-one and $\frac{2}{100}$ dollars.

For hospital patients unable to pay, University of California, two hundred thousand dollars. The provisions for the University of California are in addition to the provisions made by chapters numbers four hundred twenty-six, four hundred twenty-seven, four hundred twenty-eight, and four hundred twenty-nine of the statutes of 1919, and chapters numbers seven hundred thirty-seven and seven hundred forty-one of the statutes of 1921.

University
bonds.

For university building interest and redemption of bonds such sum or sums as are provided in chapter nine hundred twenty-three, statutes of nineteen fifteen.

Chico
Teachers
College

For salaries of officers and employes, Chico State Teachers College, one hundred eighty-nine thousand eight hundred eighty dollars.

For support, Chico State Teachers College, forty-two thousand six hundred dollars.

For permanent improvements and repairs, Chico State Teachers College, ten thousand dollars.

For purchase of land, Chico State Teachers College, twenty-five thousand dollars.

Fresno
Teachers
College.

For salaries of officers and employes, Fresno State Teachers College, two hundred seventy-five thousand dollars.

For support, Fresno State Teachers College, forty-two thousand dollars.

For new equipment, Fresno State Teachers College, three thousand dollars.

For repairs, Fresno State Teachers College, five thousand dollars.

For paving, Fresno State Teachers College, ten thousand dollars.

For salaries of officers and employees, San Diego State Teachers College, two hundred fifty-three thousand seven hundred forty dollars. San Diego Teachers College.

For support, San Diego State Teachers College, thirty-four thousand one hundred dollars.

For repairs, San Diego State Teachers College, fifteen thousand dollars.

For purchase of land, San Diego State Teachers College, sixteen thousand dollars.

For new equipment, San Diego State Teachers College, four thousand eight hundred dollars.

For salaries of officers and employees, Humboldt State Teachers College, eighty-two thousand five hundred forty dollars. Humboldt Teachers College.

For support, Humboldt State Teachers College, eleven thousand eight hundred dollars.

For new equipment, Humboldt State Teachers College, one thousand six hundred dollars.

For purchase of land, Humboldt State Teachers College, one thousand two hundred seventy-five dollars.

For salaries of officers and employees, San Jose State Teachers College, four thousand thousand dollars. San Jose Teachers College.

For support, San Jose State Teachers College, sixty thousand dollars.

For new equipment, San Jose State Teachers College, seven thousand eight hundred dollars.

For permanent improvements and repairs, San Jose State Teachers College, thirteen thousand five hundred dollars.

For salaries of officers and employees, Santa Barbara State Teachers College, one hundred sixty-five thousand seven hundred sixty dollars. Santa Barbara Teachers College.

For support, Santa Barbara State Teachers College, nineteen thousand nine hundred fifty dollars.

For new equipment, Santa Barbara State Teachers College, two thousand dollars.

For permanent improvements and repairs, Santa Barbara State Teachers College, fifteen thousand dollars.

For salaries of officers and employees, San Francisco State Teachers College, three hundred thirteen thousand five hundred dollars. San Francisco Teachers College.

For support, San Francisco State Teachers College, thirty-nine thousand four hundred fifty dollars.

For new buildings, San Francisco Teachers College, one hundred ninety thousand dollars.

For new equipment, San Francisco State Teachers College, one thousand dollars.

For repairs, San Francisco State Teachers College, ten thousand dollars.

Deaf and
blind
schools.

For salaries of officers and employees of the California School for Deaf and the California School for the Blind, two hundred fifty-three thousand dollars.

For support, the California School for the Deaf and the California School for the Blind, one hundred eighteen thousand nine hundred eighty dollars.

For new equipment and books, the California School for the Deaf and the California School for the Blind, fifteen thousand five hundred twenty dollars.

For repairs, improvements and equipment, the California School for the Deaf and the California School for the Blind, fourteen thousand five hundred fifty dollars.

For construction and equipment of new buildings for California School for the Blind, one hundred eighty thousand dollars.

For readers for the blind, California School for the Blind, six thousand dollars.

Polytechnic
School.

For salaries of officers and employees, California Polytechnic School, one hundred eighty-six thousand dollars.

For support, California Polytechnic School, sixty-eight thousand dollars.

Hastings
College
of Law.

For salaries of officers and employees, Hastings College of Law, four thousand eight hundred dollars.

For interest on indebtedness, Hastings College of Law, fourteen thousand dollars.

Libraries,
division of

For salaries of state librarian and employees of the division of libraries of the department of finance, one hundred thirty-five thousand eight hundred sixty dollars.

For support, the division of libraries of the department of finance, twenty-four thousand six hundred twenty dollars.

For new equipment, and books, the division of libraries of the department of finance, forty-two thousand seven hundred thirty dollars.

Veterans'
educational
institute

For veterans' educational institute, such sum or sums as are provided in chapter five hundred seventy-nine, statutes of nineteen twenty-one.

MISCELLANEOUS

Miscel-
laneous

For official advertising, six thousand dollars.

For premiums on official bonds, seven thousand dollars.

For compensation benefits, state officers and employees, thirty thousand dollars.

For rental of various state offices, three hundred thousand two hundred dollars.

For Sacramento building interest and redemption of bonds, such sum or sums as are provided in chapter two hundred thirty-nine, statutes of nineteen thirteen.

For San Francisco building interest and redemption of bonds, such sum or sums as are provided in chapter five hundred forty-one, statutes of nineteen thirteen.

For interest and sinking fund, such sum or sums as are provided in chapter sixty-five, statutes of eighteen ninety-three.

For principal and interest on bond debts of cities and counties, such sum or sums as are provided in chapter three hundred thirty-five, statutes of nineteen eleven.

EMERGENCIES

For emergency fund to be expended only upon unanimous vote of the board of control, approved by the controller, (exempt from section four of this act), seven hundred thousand dollars. Emergency fund.

SEC. 2. When any state publication is printed and paid for out of any appropriation in this act, the disposition of the same shall be subject to the provisions of section two thousand two hundred ninety-five *a* of the Political Code of the State of California. The sums that are herein appropriated for expenses of the senate and assembly shall be disbursed under the direction of the bodies to which they respectively belong, and shall not be subject to any of the provisions of section six hundred seventy-two of the Political Code; *provided*, that the state controller shall not be required to draw any warrants until the original claims and vouchers, itemized and properly sworn to are filed with him. The sums herein appropriated for the expenses of the national guard shall be audited by the adjutant general, as required by sections two thousand eighty-three and two thousand eighty-five of the Political Code. Not more than five hundred dollars of the money hereby appropriated for the support of the institutions of the state shall be used in each fiscal year for permanent improvements, but shall be used solely for the payment of salaries and traveling expenses of the commissioners or directors having charge of the same (when such salaries or expenses are allowed by law), the salaries of employees, the purchase of material and supplies for the use of said institutions, and for such incidental and current expenses as may be necessarily incurred for the proper management and support of said institutions. Expenditures for printing, etc.

SEC. 3. All persons having demands against the state, and various state officers, and the officers of all institutions under the control of the state, except the governor, to whom and for which appropriations other than salaries are made under the provisions of this act, shall, with their biennial report, submit a detailed statement, under oath, of the manner in which all appropriations for their respective departments and institutions have been expended, and the state board of control is hereby expressly prohibited from allowing any demand payable out of any such appropriations until the same are presented in itemized form, accompanied by affidavit and voucher for money expended by them stating specifically the service rendered, by whom performed, time employed, distance trav- Biennial statement of officers.

eled, and necessary expenses thereof; if for articles purchased, the name of each article, together with the price paid for each and of whom purchased, with the date of the purchase; *provided*, that in instances where the duties of any state officer or board make necessary the use of moneys for purposes of a confidential nature, the board of control may audit claims for such expense without requiring itemization or vouchers; but such claims must be accompanied by a statement of the facts surrounding the expenditure, which statement must be filed in the office of the board of control; *provided, further*, that the total amount so allowed for such confidential purposes from the moneys herein appropriated shall not exceed in any one fiscal year the sum of two thousand dollars. All bills and vouchers, which shall be presented for supplies furnished or services rendered, shall be original bills and vouchers of the parties furnishing supplies and rendering services; *provided*, that no officer shall use or appropriate any money, appropriated by this act, for any purpose whatsoever, unless authorized thereto by law; *and provided*, that any officer, board, commission or department for whom any appropriation is made herein, may, with the permission of the board of control, and without at the time furnishing vouchers and itemized statements, draw from such appropriation, a sum not to exceed one per cent of the total amount appropriated for any such officer, board, commission or department. The sum so drawn shall be used as a revolving fund where cash advances are necessary, and at the close of each biennium, or at any other time, upon the demand of the board of control, must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the board of control and the controller.

Original
bills
required.

Revolving
fund.

Amounts
expendable
monthly.

Fund for
administra-
tion of
normal and
special
schools.

Expenditures
in excess
of appro-
priations.

SEC. 4. Not more than one twenty-fourth of the amount appropriated under this act for each department or institution for support and salaries for the two years ending June 30, 1925, shall be expended during any one month without the consent of the state board of control, and not more than one-half of such appropriation shall be expended during the seventy-fifth fiscal year, unless the same has been expressly authorized by this act; *provided*, that the state controller shall at the request of the state director of education set over and transfer from the appropriations for salaries and support for the several teachers colleges and special schools, an amount not exceeding one per cent of such appropriations and the amount so transferred shall be designated as the administrative allotment of the state department of education and shall be available for use by the director of education for the payment of the salaries and support of the general administrative office of the division of normal and special schools during the seventy-fifth and seventy-sixth fiscal years.

SEC. 5. The officers of the various departments, boards, commissions and institutions for whose benefit and support appropriations are made in this act are expressly forbidden to make any expenditure in excess of such appropriations, except

the unanimous consent of the state board of control be first obtained, and a certificate, in writing, duly signed by every member of said board, of the unavoidable necessity of such expenditure; and any indebtedness attempted to be created against the state in violation of the provisions of this section shall be absolutely null and void; and shall not be allowed by said state board of control nor paid out of any state appropriations; *provided*, that any member of any such department, board, commission or institution, who shall vote for any expenditure, or create any indebtedness against the state in excess of the respective appropriations made by this act, except by the unanimous consent of the state board of control, and the certificate in this section provided to be first obtained, shall be liable on his official bond for the amount of such indebtedness, to be recovered in any court of competent jurisdiction by the person or persons, firm or corporation to whom such indebtedness is owing.

SEC. 6. No money appropriated by this act shall be used to renew, or pay for the renewal of any fire insurance on any public building or property, nor to effect or pay for any new insurance on any public building or property, except the state printing office and its contents and property of San Francisco harbor. Fire insurance.

SEC. 7. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state shall, under the provisions of section one, of article four, of the constitution of the State of California, take effect immediately. In effect immediately.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,

SACRAMENTO, May 7, 1923.

To the Assembly of the State of California.

Assembly Bill No. 999, known as the budget bill, is approved except for certain items hereinafter specifically set forth, which are reduced or eliminated in accordance with the powers conferred on me by the provisions of sections sixteen and thirty-four of article four of the constitution, and which are objected to for the reasons hereinafter mentioned, to wit: Items disapproved.

1. I object to the item on page 6 [245] under the heading "Preventive" reading as follows: "For salaries of employees state board of health, three hundred sixty thousand six hundred sixty-three and 42/100 dollars.", and reduce the amount to three hundred six thousand two hundred ninety-eight dollars, for the reason that the last named amount is ample.

2. I object to the item on page 6 [245] under the heading "Preventive" reading as follows: "For support, state board of health, three hundred eight thousand five hundred thirty-six and 58/100 dollars.", and reduce the amount to two hundred forty-eight thousand three hundred thirty-eight dollars, for the reason that the last named amount is ample.

3. I object to the item on page 7 [246] under the heading "Preventive" reading as follows: "For salaries of railroad commissioners and employees, six hundred thirty-seven thousand two hundred dollars.", and reduce the amount to five hundred fifty-two thousand two hundred dollars, for the reason that the last named amount is ample. There is an item in the budget of thirty thousand dollars which can be expended for engineers if that be necessary. There are also certain positions which can be eliminated and engineers substituted. I propose to ask the state board of control to make a survey of this department in the interests of economy and efficiency. It is my firm conviction that if we had a few men on the railroad commission like the late John M. Eshleman that department could function with at least one hundred thousand dollars less than the amount herewith allowed.

Items
disapproved.

4. I object to the item on page 8 [248] under the heading "Benevolent" reading as follows: "All funds hereafter received from the government of the United States in aid of said veterans' home, or of the members thereof, either by way of a per capita tax for said members, or otherwise received are made available, and are hereby appropriated to be expended upon the approval of the state board of control for the maintenance, construction and repair of buildings, or for the use and benefit of such members.", on the ground that it carries an indefinite appropriation which is unnecessary, and is fully covered in the other items of appropriations for the Veterans' Home of California.

5. I object to the item on page 11 [250] under the heading "Penal" reading as follows: "For salaries and support of officers and employees of the California Industrial Farm for Women, seventy-five thousand dollars.", and reduce the amount to four thousand dollars on the ground that the increase is unnecessary as there are no facilities at the farm for caring for these delinquent women owing to the burning of the building.

6. I object to the item on page 11 [250] under the heading "Penal" reading as follows: "For permanent improvements, California Industrial Farm for Women, one hundred twenty thousand dollars.", for the reason that I consider this large expenditure at this time for this purpose unnecessary.

7. I object to the item on page 16 [254] under the heading "Educational" reading as follows: "For salaries of officers and employees, Chico State Teachers College, one hundred eighty-nine thousand eight hundred eighty dollars.", and reduce the same to one hundred fifty-eight thousand eight hundred eighty dollars, for the reason that the last named amount is ample.

8. I object to the item on page 16 [254] under the heading "Educational" reading as follows: "For salaries of officers and employees, Fresno State Teachers College, two hundred seventy-five thousand dollars.", and reduce the amount to two hundred sixty-nine thousand two hundred eighty dollars, for the reason that the last named amount is ample.

9. I object to the item on page 16 [255] under the heading "Educational" reading as follows: "For support, Fresno State Teachers College, forty-two thousand dollars.", and reduce the amount to twenty-seven thousand dollars, for the reason that the last named amount is ample.

10. I object to the item on page 16 [255] under the heading "Educational" reading as follows: "For salaries of officers and employees, San Diego State Teachers College, two hundred fifty-three thousand seven hundred forty dollars.", and reduce the amount to two hundred seventy-seven thousand seven hundred forty dollars, for the reason that the last named amount is ample.

11. I object to the item on page 16 [255] under the heading "Educational" reading as follows: "For salaries of officers and employees, San Jose State Teachers College, four hundred thousand dollars.", and reduce the amount to three hundred eighty-one thousand seven hundred sixty dollars, for the reason that the last named amount is ample.

12. I object to the item on page 16 [255] under the heading "Educational" reading as follows: "For support, San Jose State Teachers College, sixty thousand dollars.", and reduce the amount to forty-two thousand six hundred dollars, for the reason that the last named amount is ample.

13. I object to the item on page 16 [255] under the heading "Educational" reading as follows: "For salaries of officers and employees, Santa Barbara State Teachers College, one hundred sixty-five thousand seven hundred sixty dollars.", and reduce the amount to one hundred fifty thousand seven hundred sixty dollars, for the reason that the last named amount is ample.

14. I object to the item on page 17 [255] under the heading "Educational" reading as follows: "For salaries of officers and employees, San Francisco State Teachers College, three hundred thirteen thousand five hundred dollars.", and reduce the amount to two hundred forty-nine thousand six hundred dollars, for the reason that the last named amount is ample.

15. I object to the item on page 17 [255] under the heading "Educational" reading as follows: "For support, San Francisco State Teachers College, thirty-nine thousand four hundred fifty dollars.", and reduce the amount to thirty-two thousand three hundred dollars, for the reason that the last named amount is ample.

16. I object to the item on page 17 [255] under the heading "Educational" reading as follows: "For new buildings, San Francisco State Teachers College, one hundred ninety thousand dollars.", on the ground that it is not wise at the present time to build any more buildings for this college even if the state had sufficient funds with which to do it.

17. I object to the item on page 7 [246] under the heading "Preventive" reading as follows: "For salaries of industrial accident commissioners and

employees, four hundred one thousand nine hundred twenty dollars.", and reduce the amount to three hundred eighty-seven thousand nine hundred twenty dollars, for the reason that fourteen thousand dollars was added to the above item in anticipation of work to be done in mining inspection. As the legislature failed to approve the consolidation plan proposed this addition is not now necessary and the amount remaining is ample. Items disapproved.

18. I object to the item on page 15 [254] under the heading "Educational" reading as follows: "For support, superintendent of public instruction, forty-three thousand three hundred thirty dollars.", and reduce the amount to thirty-eight thousand three hundred thirty dollars, for the reason that the printing fund of thirty thousand dollars provided in the budget is five thousand dollars larger than necessary.

19. I object to the item on page 20 [258] in section four, reading as follows: "provided, that the state controller shall at the request of the state director of education set over and transfer from the appropriations for salaries and support for the several teachers colleges and special schools, an amount not exceeding one per cent of such appropriations and the amount so transferred shall be designated as the administrative allotment of the state department of education and shall be available for use by the director of education for the payment of the salaries and support of the general administrative office of the division of normal and special schools, during the seventy-fifth and seventy-sixth fiscal years.", for the reason that such appropriation is unnecessary and a willful waste of the money of the taxpayers. The director of education has an ample allowance for running his department if it is put on an economical and businesslike basis.

20. I object to the item on page 17 [256] under the heading "Educational" reading as follows: "For salaries of officers and employees of the California School for Deaf and the California School for the Blind, two hundred fifty-three thousand dollars.", and reduce the amount to two hundred twenty-three thousand three hundred sixty-four dollars, for the reason that the last named amount is ample for the support of this institution which has been more liberally treated by the budget than by any other in the history of California.

21. I object to the item on page 17 [256] under the heading "Educational" reading as follows: "For construction and equipment of new buildings for California School for the Blind, one hundred eighty thousand dollars.", and reduce the amount to ninety thousand dollars, for the reason that it is not expedient to build more than one new building during the next biennial period, even if the state had sufficient funds with which to build more. The lack of buildings for this institution is due to the failure of those responsible to care for it at the last session of the legislature when money was being expended so lavishly.

22. I object to the item on page 17 [256] under the heading "Educational" reading as follows: "For salaries of officers and employees, California Polytechnic School, one hundred eighty-six thousand dollars.", and reduce the amount to ninety-six thousand five hundred dollars, for the reasons set forth below.

In my budget message I called attention to the fact that the California Polytechnic School was not properly a state institution, was entirely out of joint with the educational system of the state, and that work was being done there for pupils of high school age which in other parts of the state was being done by the school districts. I also pointed out that if the state is to go into the business of conducting polytechnic high schools, it would have to have scores of similar institutions throughout the state at great cost to the taxpayers. I also suggested that this institution should be changed into some other line of work or used for some other state institution.

In my message of April 9th, I again called attention to my recommendation and asked that you give it consideration. In the meantime, it has been suggested that this institution might be used as an agricultural school for the southern part of the state. You have not acted upon this suggestion but have simply increased the allowance, and I do not feel that the state would be justified in spending a quarter of a million dollars on it during the next biennial.

23. I object to the item on page 17 [256] under the heading "Educational" reading as follows: "For support, California Polytechnic School, sixty-eight thousand dollars.", and have reduced the same to twenty-eight thousand dollars, for the reasons set forth above.

24. I object to the item on page 6 [245] under the heading "Administrative" reading as follows: "For traveling expenses of the state board of equalization such sum or sums as are provided in section three thousand seven hundred two of the Political Code," for the reason that this appropria-

Items
disapproved.

tion is provided for by existing statute and also is authorized by the provisions of section one of this bill.

25. I object to the items on page 6 [245] under the heading "Administrative" reading as follows: "For investigations and appraisements, state board of equalization, such sum or sums as are provided in chapter four hundred twenty-eight, statutes of one thousand nine hundred twenty-one.", for the reason that this appropriation is provided for by existing statute and also is authorized by the provisions of section one of this bill.

26. I object to the item on page 8 [247] under the heading "Preventive" reading as follows: "For salaries and support of the state real estate department such sum or sums as are provided in chapter six hundred five, statutes of one thousand nine hundred nineteen, and the amendments thereto, such amounts to be paid from the real estate commissioner's fund created thereby.", and reduce the same to "For salaries of state real estate commissioner, deputies and employees, one hundred forty-six thousand two hundred forty dollars. For support, state real estate department, eighty-three thousand two hundred forty dollars.", for the reason that the last named amounts are ample. The amendment proposed by the legislature might leave the state real estate department without any appropriation at all.

27. I object to the item on page 9 [248] under the heading "Benevolent" reading as follows: "For support of orphans such sum or sums as are provided in section two thousand two hundred eighty-three of the Political Code.", for the reason that this appropriation is provided for by existing statute and also is authorized by the provisions of section one of this bill.

28. I object to item on page 12 [251] under the heading "Conservation" reading as follows: "For purchase of land California redwood park, such sum or sums as are provided in chapter six hundred ninety, statutes of one thousand nine hundred seventeen.", for the reason that this appropriation is provided for by existing statute and also is authorized by the provisions of section one of this bill.

29. I object to the item on page 13 [252] under the heading "Developmental" reading as follows: "For statistics state agricultural society, such sum or sums as are provided in chapter five hundred eighty-four, statutes of one thousand nine hundred eleven.", for the reason that this appropriation is provided for by existing statute and also is authorized by the provisions of section one of this bill.

30. I object to the item on page 13 [252] under the heading "Developmental" reading as follows: "For support of California highway commission all revenues from bond sales under authority of section two, article sixteen of the constitution; all revenues from motor vehicle registration, as provided in chapter one hundred eighty-eight, statutes of one thousand nine hundred fifteen and amendments thereto; all receipts from the federal government under an act of congress and authority provided by chapter five hundred thirty-seven, statutes of one thousand nine hundred seventeen.", for the reason that this appropriation is provided for by existing statutes and also is authorized by the provisions of section one of this bill.

31. I object to the item on page 13 [252] under the heading "Developmental" reading as follows: "For highway bond interest and redemption, such sum or sums as are provided in chapter three hundred eighty-three, statutes of one thousand nine hundred nine; chapter four hundred four, statutes of one thousand nine hundred fifteen; chapter ninety-three, statutes of one thousand nine hundred nineteen.", for the reason that this appropriation is provided for by existing statutes and also is authorized by the provisions of section one of this bill.

32. I object to item on page 14 [253] under the heading "Developmental" reading as follows: "For investigation of water resources, such sum or sums as are provided in chapter seven hundred four, statutes of one thousand nine hundred nine.", for the reason that this appropriation is provided for by existing statute and also is authorized by the provisions of section one of this bill.

33. I object to the item on page 14 [253] under the heading "Developmental" reading as follows: "For salaries, support and permanent improvements for the fish and game commission, such sum or sums as are provided in chapter two hundred fifty-six, statutes of one thousand nine hundred nine and all amendments thereto, such payments to be made from the fish and game preservation fund created thereby.", and reduce the same to "For salaries of officers and employees of the fish and game commission, four hundred thirty-eight thousand three hundred seventy dollars. For support of the fish and game commission, three hundred seventy-one thousand one hundred fifty dollars.", for the reason that the last named

sums are ample. The amendments proposed by the legislature might leave the fish and game commission without any appropriation at all. Items disapproved.

34. I object to the item on page 14 [253] under the heading "Developmental" reading as follows: "For Sacramento and San Joaquin drainage district number six such sum or sums as are provided in chapter five hundred fifty-six, statutes of one thousand nine hundred nineteen.", for the reason that this appropriation is provided for by existing statute and also is authorized by the provisions of section one of this bill.

35. I object to the item on page 14 [253] under the heading "Developmental" reading as follows: "For Los Angeles flood control such sum or sums as are provided in chapter seven hundred forty-nine, statutes of one thousand nine hundred twenty-one.", for the reason that this appropriation is provided for by existing statute and also is authorized by the provisions of section one of this bill.

36. I object to the item on page 14 [253] under the heading "Developmental" reading as follows: "For uses veterans' welfare board for purchase of farms and homes such sum or sums as are provided in initiative act approved November seventh, one thousand nine hundred twenty-two.", for the reason that this appropriation is provided for by existing statute and also is authorized by the provisions of section one of this bill.

37. I object to the item on page 15 [254] under the heading "Educational" reading as follows: "For vocational rehabilitation such sum or sums as are provided in chapter seven hundred fifty-eight, statutes of one thousand nine hundred twenty-one.", for the reason that this appropriation is provided for by existing statute and also is authorized by the provisions of section one of this bill.

38. I object to the item on page 15 [254] under the heading "Educational" reading as follows: "For vocational education (Smith-Lughes act) such sum or sums as are provided in chapter seven hundred twenty, statutes of one thousand nine hundred seventeen.", for the reason that this appropriation is provided for by existing statute and also is authorized by the provisions of section one of this bill.

39. I object to the item on page 15 [254] under the heading "Educational" reading as follows: "For teachers permanent fund such sum or sums as are provided in chapter six hundred ninety-four, statutes of one thousand nine hundred thirteen.", for the reason that this appropriation is provided for by existing statute and also is authorized by the provisions of section one of this bill.

40. I object to the item on page 15 [254] under the heading "Educational" reading as follows: "For textbooks for orphans such sum or sums as are provided in chapter four hundred seventy-two, statutes of one thousand nine hundred seven.", for the reason that this appropriation is provided for by existing statute and also is authorized by the provisions of section one of this bill.

41. I object to the item on page 15 [254] under the heading "Educational" reading as follows: "For support of elementary schools such sum or sums as are provided in section six of article nine of the constitution.", for the reason that this appropriation is provided for by existing statute and also is authorized by the provisions of section one of this bill.

42. I object to the item on page 15 [254] under the heading "Educational" reading as follows: "For support of secondary schools such sum or sums as are provided in section six of article nine of the constitution.", for the reason that this appropriation is provided for by existing statute and also is authorized by the provisions of section one of this bill.

43. I object to the item on page 15 [254] under the heading "Educational" reading as follows: "For support of junior colleges such sum or sums as are provided in chapter four hundred seventy, statutes of one thousand nine hundred twenty-one.", for the reason that this appropriation is provided for by existing statute and also is authorized by the provisions of section one of this bill.

44. I object to the item on page 15 [254] under the heading "Educational" reading as follows: "For university building interest and redemption of bonds such sum or sums as are provided in chapter nine hundred twenty-three, statutes of one thousand nine hundred fifteen.", for the reason that this appropriation is provided for by existing statute and also is authorized by the provisions of section one of this bill.

45. I object to item on page 15 [254] under the heading "Educational" reading as follows: "For veterans' educational institute, such sum or sums as are provided in chapter five hundred seventy-nine, statutes of one thousand nine hundred twenty-one.", for the reason that this appropriation is provided for by existing statute and also is authorized by the provisions of section one of this bill.

46. I object to item on page 18 [256] under the heading "Miscellaneous" reading as follows: "For Sacramento building interest and redemption

of bonds, such sum or sums as are provided in chapter two hundred thirty-nine, statutes of one thousand nine hundred thirteen.", for the reason that this appropriation is provided for by existing statute and also is authorized by the provisions of section one of this bill.

47. I object to the item on page 18 [257] under the heading "Miscellaneous" reading as follows: "For San Francisco building interest and redemption of bonds, such sum or sums as are provided in chapter five hundred forty-one, statutes of one thousand nine hundred thirteen.", for the reason that this appropriation is provided for by existing statute and also is authorized by the provisions of section one of this bill.

48. I object to the item on page 18 [257] under the heading "Miscellaneous" reading as follows: "For interest and sinking fund, such sum or sums as are provided in chapter sixty-five, statutes of one thousand eight hundred ninety-three.", for the reason that this appropriation is provided for by existing statute and also is authorized by the provisions of section one of this bill.

49. I object to the item on page 18 [257] under the heading "Miscellaneous" reading as follows: "For principal and interest on bond debts of cities and counties, such sum or sums as are provided in chapter three hundred thirty-five, statutes of one thousand nine hundred eleven.", for the reason that this appropriation is provided for by existing statute and also is authorized by the provisions of section one of this bill.

ECONOMY IS EFFECTED.

Economy effected.

My original budget presented to you totaled \$78,074,828.55, and was a redemption of my pledge to the people to give them an economical and efficient administration. On April 9, 1923, I made certain recommendations and changes to the budget which made the total \$79,425,188.55.

Certain bills were introduced to carry out suggestions by me for combining the board of charities and corrections, building and loan commission, immigration and housing commission, and the mining bureau with other departments. These bills were not acted upon favorably by your body and hence it has been necessary for me to make increases covering these departments. With these increases the present total is \$79,754,336.55.

Your body has increased this total by \$1,170,049.68. All of these increases are returned to you without my approval, thus saving the taxpayers, who ultimately pay every dollar of tax, more than one million dollars.

The reductions and eliminations made by me bring the budget total to a figure twelve million dollars less than the \$91,865,000 of appropriations of 1921.

Budget -----	\$70,425,188 55
Deductions -----	255,080 00
	\$70,170,108 55
Increases -----	584,228 00
	\$79,754,336 55

The increases made in the legislature by my suggestion were:

Charities and corrections -----	\$49,080 00
Building and loan commission -----	29,160 00
Immigration and housing commission -----	124,890 00
Mining bureau -----	359,898 00
Board of forestry -----	16,200 00
Woman's Relief Corps -----	5,000 00
	\$584,228 00

The deductions made from the budget were:

Building and loan commission -----	\$30,000 00
Surveyor general -----	138,080 00
Mining Bureau -----	68,000 00
Industrial accident commission -----	14,000 00
Superintendent of public instruction -----	5,000 00
	\$255,080 00

Respectfully submitted,

FRIEND WM. RICHARDSON, Governor.

NOTE.—Page numbers given in above statement are those of enrolled bill presented to the Governor for approval; accompanying numbers enclosed in brackets [] are pages of these statutes on which the items disapproved appear.

CHAPTER 122.

An act to add a new section to the Political Code, to be numbered one thousand seven hundred thirty-four c, relating to the change of boundaries of high school districts.

[Approved May 7, 1923.]

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

SECTION 1. A new section to be numbered one thousand seven hundred thirty-four c is hereby added to the Political Code to read as follows:

1734c. Except as otherwise provided by law, the boundaries of a high school district shall be changed only between the first day of October and the tenth day of February in any year.

Boundaries changed, when.

When two-thirds of the heads of families residing in any elementary school district which is a part of any high school district and the nearest part of which is more than six miles by traveled road from the high school building of said high school district, as shown by the affidavit of one or more of the petitioners, shall present to the county superintendent of schools having jurisdiction over such high school district, a petition asking that such elementary school district be excluded from such high school district and annexed to a contiguous high school district, accompanied by an agreement signed by the high school board of the high school district to which annexation is sought, agreeing to such annexation; such superintendent of schools shall, after verification of the signatures thereto and finding them sufficient, transmit such petition and agreement with or without his recommendation thereon, to the board of supervisors of the county in which such elementary school district is situated.

Transfer of elementary school district to another high school district.

If, by the exclusion of the elementary school district, the assessed valuation of the property of the high school district would be less than five million dollars, or if by the exclusion of the elementary school district the outstanding bonded indebtedness of the district would exceed five per cent of the value of the taxable property remaining in the district, said board of supervisors shall refuse to call an election for the purpose of determining whether said elementary school district shall be excluded. Otherwise, said board of supervisors may, in its discretion, within thirty days after receipt of the petition and agreement, call an election in the district so petitioning, and shall appoint three qualified electors of the district to conduct the election. Said election shall be held at the public schoolhouse of the district petitioning and shall be called by posting notice at least fifteen days before the election in three public places in the district, one of which shall be at the public schoolhouse, if there be such in the district; said board shall also publish the notice once a week for two weeks in a newspaper published in the district, or, if there be none such, in a newspaper in general circulation in the district.

Call of election.

Conduct
of election.

Said election shall be conducted by officers appointed for that purpose in the manner provided by law for conducting school elections; the ballots at such election shall contain the words "For exclusion from ----- high school district and annexation to ----- high school district"; the name of the high school district from which exclusion is sought and the name of the high school district to which annexation is desired must be printed on the ballot, whereon the elector shall stamp or make a cross after the word "yes" or the word "no," also printed on said ballot.

Canvass
of vote.

It shall be the duty of said election officers to canvass the vote of said election and report the result to the said board of supervisors within five days subsequent to the holding of said election.

Protest
of transfer.

If two-thirds of the votes cast at such election shall be in favor of such exclusion and annexation, said board of supervisors shall, within fifteen days after receiving such notice, notify the high school board of the high school district of the result of such election, and if said high school board does not protest the exclusion of such district from the high school district, within thirty days after receiving notice, the board of supervisors shall exclude said territory from said high school district and annex it to the contiguous high school district, as provided in said election; however, should the high school board of said high school district protest such exclusion and annexation, the board of supervisors shall notify the superintendent of public instruction of the election and its result, and of the protest of the high school board, whereupon the superintendent of public instruction shall create a board of review composed of three county superintendents of schools of counties not contiguous to the county or counties in which is located the high school district from which the elementary school desires separation.

Hearing.

Said board of review shall, upon a date set by the superintendent of public instruction, survey the situation and conduct a public hearing on the question as to whether or not the elementary school district shall be excluded from the local high school district and annexed to a contiguous high school district. Said hearing shall be held at the high school building of the high school district to which the territory desiring exclusion at the time belongs; and said hearing shall be conducted under such rules of procedure as may be prescribed by such board of review, which may, in its discretion, require any or all evidence and information to be submitted under oath administered by a member of the board.

Notice.

The superintendent of public instruction shall notify the county superintendents concerned and said county superintendents shall notify the interested high and elementary school boards, of the date of the inspection and the date and place of the public hearing, and shall give publicity to said meeting by printing an announcement of the same in a newspaper published in the high school district, or, if there be none such, in a newspaper in general circulation in said district.

In arriving at its conclusion, the board of review shall take into consideration the present and future effect on public welfare only, and said board shall, before it adjourns, recommend in writing to the board of supervisors either that the petition of the elementary school district be granted, or, if it so decrees, that it shall be denied. Recom-
mendation.

The board of supervisors must, within fifteen days thereafter, act in accordance with the recommendations contained therein, entering upon its minutes an order excluding the territory of said elementary school district from the high school district and annexing it to the contiguous high school district, if such be the recommendation of the board of review; or an order denying exclusion and annexation of said elementary school district, if such be the recommendation of the board of review. Supervisors
to follow
recom-
mendation.

A certified copy of the order of the board of supervisors shall be entered by its clerk in his record of high school districts, and he shall also send copies thereof to the county clerks of each county in which any part of such elementary school district or high school district is situated; and they shall also enter it in their records of high school districts; *provided, however,* that the district so withdrawing shall not be released from responsibility for any of the bonded indebtedness incurred while it was a part of the high school district from which it has withdrawn. Record.

Superintendents of schools are hereby authorized and required by law to perform the duties prescribed herein. The high school board of any high school district wherein the superintendent of public instruction has ordered a review of the petition of an elementary school district to be excluded from said high school district and annexed to a contiguous high school district, is hereby authorized and required to pay the actual and necessary traveling expenses of the members of the board of review, provided for in this section. Duties of
school
officers.

CHAPTER 123.

An act confirming, validating and declaring the organization and existence of school districts and high school districts of any kind or class.

[Approved May 8, 1923.]

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

SECTION 1. All school districts of any kind or class, including joint districts, union school districts and joint union school districts, and all high school districts of any kind or class, including city high school districts, union high school districts and joint union high school districts which have acted and existed as such for more than one year prior to the taking effect of this act, are hereby declared to be legally and duly formed, organized, established, incorporated and existing, and Validation
of school
districts.

as such school districts or high school districts under their respective appropriate names shall have all the rights and privileges and be subject to all of the duties and obligations of duly formed, organized, established or incorporated school districts or high school districts.

CHAPTER 124.

An act to amend section six hundred forty-six of the Civil Code, relative to building and loan associations.

[Approved May 8, 1923.]

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

SECTION 1. Section six hundred forty-six of the Civil Code is hereby amended to read as follows:

Deposit
with state.

646. Every building and loan association, and every other corporation, association or society organized under and by virtue of the laws of any other state or territory or of any foreign country, for the purpose of conducting and carrying on a business of a character similar to that authorized by this title, or whose by-laws, rules, prospectus, contracts or methods of business provide for the conducting or carrying on the business of accumulating the periodical payments or savings of its shareholders, members or investors in the manner of building and loan associations, or as authorized and provided in this title, desiring to enter the State of California for the transaction of business or for selling its bonds, debentures, certificates, shares of stock, shares of membership, contracts, or other similar securities, must first comply with the requirements of sections four hundred five and four hundred eight of the Civil Code and immediately thereafter deposit with the official vested by law with state supervision and license not less than fifty thousand dollars in lawful money of the United States or in bonds of the United States or of the State of California, or of any county, municipality or school district of said state, or of any public utility corporation, or of any irrigation district in said state, the bonds issued by which district are legal investments for savings banks or any notes or bonds secured by mortgage or deed of trust payment of which is guaranteed by a policy of mortgage insurance, or mortgage participation certificates, issued by a mortgage insurance company in accordance with the provisions of chapter eight, title two, part four of division first of the Civil Code or in lieu thereof promissory notes secured by first mortgages or deeds of trust upon real estate located within this state, satisfactory to the official vested by law with state supervision and license of building and loan associations, all duly assigned or endorsed in blank, to be held by the said official as a guarantee fund for the protection and indemnity of residents of the State of California who shall invest in any of its bonds,

debentures, shares, contracts, agreements or other securities, or with whom it shall do business.

It must also procure from the official vested by law with state supervision and license of building and loan associations, the license provided for building and loan and similar corporations and associations, paying the statutory fee therefor before entering upon the transaction of business, and annually renew the same; *provided, however*, that the official or officials, vested by law with state supervision and license of building and loan associations may, before issuing license to any building and loan association, or other corporation, organized under and by virtue of the laws of any other state or territory, or of any foreign country, doing a business which would properly place it under the supervision of the state building and loan commission, require such corporation, or corporations, to so modify or change their contracts, certificates of membership shares, or stock that they will conform in all respects to the requirements of associations organized within the State of California; and shall likewise conform in all other respects to the provisions of sections six hundred thirty-three to six hundred forty-eight *a* of the Civil Code of the State of California.

License requirements.

With the consent of the said official vested by law with state supervision and license any of the securities deposited as herein provided may be withdrawn at any time upon the substitution and deposit of others of form and character herein specified and of like or greater net value, so long as the aggregate net convertible value of all equals or exceeds the amount named herein. The fund thus created is not to be foreclosed or realized upon except for the liquidation of a final judgment in favor of residents of California who were investors in any of the above mentioned securities of such foreign company, corporation or association, and then only after certified proof thereof has been filed with the custodian.

Change of securities.

Except as above provided, securities deposited as herein specified shall not be withdrawn until satisfactory proof of the liquidation of all liabilities to residents of California, approved by the official vested by law with state supervision and license, shall be filed with the custodian, when all may then be withdrawn.

Withdrawal requirement.

Any person or persons who shall be found in the state, as principal, agent, solicitor, or in any other capacity, soliciting or conducting the business of selling, disposing of, or taking or soliciting subscriptions for the sale of any of the forms of bonds, debentures, shares, contracts, agreements or other securities of any such foreign company, corporation or association which has not complied with all the requirements of this section shall be deemed guilty of a misdemeanor punishable, upon conviction, by a fine of not less than one hundred nor more than one thousand dollars or by imprisonment in the county jail for not less than one nor more than twelve months, or by both such fine and imprisonment.

Penalty.

CHAPTER 125.

An act to amend section one hundred seven of the Penal Code, relating to escapes and attempts to escape from county jails, city jails and county hospital, and from the custody of the sheriff.

[Approved May 8, 1923.]

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

SECTION 1. Section one hundred seven of the Penal Code is hereby amended to read as follows:

Punishment
for escape
of prisoner.

107. Every prisoner charged with or convicted of a felony who is confined in any jail or prison or an inmate of any public training school or reformatory or county hospital, or who is engaged on any county road or other county work or who is in the lawful custody of any officer or person, who escapes or attempts to escape from such jail, prison, public training school, reformatory or county hospital, or from the custody of the officer or person in charge of him while engaged on or going to or returning from such county work or from the custody of any officer or person in whose lawful custody he is, is guilty of a felony and is punishable as provided in section one hundred eight of the Penal Code.

CHAPTER 126.

An act to amend section four hundred sixty-one of the Penal Code, relating to the penalty for burglary.

[Approved May 8, 1923.]

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

SECTION 1. Section four hundred sixty-one of the Penal Code is hereby amended to read as follows:

Punishment
for burglary.

461. Burglary is punishable by imprisonment in the state prison as follows:

1. Burglary in the first degree for not less than five years.
2. Burglary in the second degree for not less than one or more than fifteen years.
3. Burglary in the third degree for not more than five years.

CHAPTER 127.

An act to add a new section to the Penal Code to be numbered two hundred and eleven a, regarding the definition of robbery and the degrees thereof.

[Approved May 8, 1923.]

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

SECTION 1. A new section to be numbered two hundred eleven a is hereby added to the Penal Code to read as follows:

Degrees
of robbery.

211a. All robbery which is perpetrated by torture or by a person being armed with a dangerous or deadly weapon is

robbery in the first degree. All other kinds of robbery are of the second degree.

CHAPTER 128.

An act to amend section two hundred thirteen of the Penal Code, relating to the punishment of robbery.

[Approved May 8, 1923.]

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

SECTION 1. Section two hundred thirteen of the Penal Code is amended to read as follows:

213. Robbery is punishable by imprisonment in the state prison as follows: Punishment for robbery.

1. Robbery in the first degree for not less than five years.
2. Robbery in the second degree, for not less than one year.

CHAPTER 129.

An act to amend section four hundred eighty-seven of the Penal Code, relating to grand larceny.

[Approved May 8, 1923.]

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

SECTION 1. Section four hundred eighty-seven of the Penal Code is hereby amended to read as follows:

487. Grand larceny is larceny committed in either of the following cases: Grand larceny defined.

1. When the property taken is of a value exceeding two hundred dollars.
2. When the property is taken from the person of another.
3. When the property taken is a horse, mare, gelding, cow, steer, bull, calf, mule, jack, jenny, sheep or lamb.

CHAPTER 130.

An act to amend section two hundred sixty-four of the Penal Code, relating to the punishment of the crime of rape.

[Approved May 8, 1923.]

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

SECTION 1. Section two hundred sixty-four of the Penal Code is hereby amended to read as follows:

264. Rape is punishable by imprisonment in the state prison not more than fifty years, except where the offense is under subdivision one of section two hundred sixty-one of the Penal Code, in which case the punishment shall be either by imprisonment in the county jail for not more than one year or in the state prison for not more than fifty years, and in such case the jury shall recommend by their verdict whether the Punishment for rape.

punishment shall be by imprisonment in the county jail or in the state prison; *provided*, that when the defendant pleads guilty of an offense under subdivision one of section 261 of the Penal Code the punishment shall be in the discretion of the trial court, either by imprisonment in the county jail for not more than one year or in the state prison for not more than fifty years.

CHAPTER 131.

An act to amend section two thousand eight hundred seventy-two of the Political Code, relating to toll bridges.

[Approved May 8, 1923.]

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

SECTION 1. Section two thousand eight hundred seventy-two of the Political Code is hereby amended to read as follows:

Action of
board of
supervisors.

2872. If the board are of the opinion that the public interests will be promoted thereby, it may, by the assent of a majority of all the members of the board, grant the application by an order entered in its minutes, and particularly describing the bridge. The applicant must cause a certified copy of the order, with a copy of the application, to be recorded in the office of the clerk of the county before proceeding under it. All licenses and franchises granted subsequent to the fourteenth day of March, A. D. one thousand eight hundred eighty-one for the construction of any such bridges across the Sacramento or San Joaquin rivers, the Suisun bay, or Carquinez straits, the Petaluma, Napa or Sonoma creeks, whether above or below the head of navigation of said waters or streams, are hereby ratified, approved, confirmed and made valid for all purposes; *provided, however*, that nothing herein contained shall be construed to extend the term of any such license or franchise beyond the period fixed in the order granting the same, or to revive any license or franchise which has lapsed for non-user, or to restore any license or franchise which has been forfeited.

Validation
of certain
licenses and
franchises.

CHAPTER 132.

An act to legalize bonds heretofore issued and sold, or to be issued and sold, by municipal improvement districts where authority for such issuance has already been given by a vote of not less than two-thirds of the electors of such districts voting upon the question of incurring such indebtedness.

[Approved May 8, 1923.]

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

SECTION 1. In all cases where the legislative branch of any municipality in this state has called an election under the provisions of an act entitled "An act to provide for the formation

Validating
municipal
improvement
district
bonds.

of districts within municipalities for the acquisition or construction of public improvements, works, and public utilities; for the issuance, sale and payment of bonds of such districts to meet the cost of such improvements; and for the acquisition or construction of such improvements," approved April 20, 1915, or under said act as amended, for the purpose of submitting to the qualified electors of any municipal improvement district formed in such municipality the question whether an indebtedness shall be incurred for any of the purposes authorized by said act, and where at such election not less than two-thirds of all the voters voting thereat shall have voted in favor of incurring such indebtedness, and the mode of creating such indebtedness has been by the proposed issuance of the bonds of such municipal improvement district, the power to issue such bonds and all the acts and proceedings of such municipality leading up to and including the issuance and sale or the proposed issuance and sale of such bonds are hereby legalized, ratified, confirmed and declared valid to all intents and purposes; and all such bonds, sold either before or after the passage of this act for not less than their par value are hereby legalized and declared to be legal and valid obligations of and against such municipal improvement district of the municipality so issuing and selling the same, and the faith and credit of such municipal improvement district of such municipality is hereby pledged for the prompt payment and redemption of the principal and interest of said bonds.

SEC. 2. This act shall not operate to legalize any bonds of any municipal improvement district of a municipality that have not, at the time of the passage of this act, been authorized by the vote of not less than two-thirds of the qualified electors of such municipal improvement district voting at any such election, or any bonds which have been sold for less than their par value. Exceptions.

CHAPTER 133.

An act to amend section ninety-four to an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved

March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers.

[Approved May 8, 1923.]

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

Stats. 1921,
p. 859,
amended.

SECTION 1. Section nineteen x forty-two of an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, is hereby amended to read as follows:

Counties of
42d class.
salaries of
probation
officers.

Sec. 19x42. In counties of the forty-second class there shall be one probation officer whose salary shall be seventy-five dollars per month.

Effect
of act.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 134.

An act to add a new section to the Civil Code to be numbered eight hundred sixty-nine a, regarding conveyances of real property, or any interest therein, made in trust, or to a grantee designated "trustee" or "as trustee," without naming or indicating any beneficiary and prescribing presumptions in reference thereto and limiting the time within

which actions may be commenced by such undisclosed beneficiary or the original grantor or trustor against the grantee or grantees of the person so designated "trustee" or "as trustee."

[Approved May 9, 1923.]

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

SECTION 1. A new section is hereby added to the Civil Code, to be numbered eight hundred sixty-nine *a* and to read as follows:

- 869*a*. Whenever a conveyance of real estate, or any interest therein, has been or hereafter is made to a person or persons in trust, or (*a*) where such person is designated "trustee" or "as trustee", or (*b*) where such persons are designated "trustees" or "as trustees," and regardless of whether a joint tenancy or right of survivorship as between such persons is expressed or not, then, if no beneficiary be indicated or named in said conveyance, it shall be presumed that the grantee, or grantees, as the case may be, holds or hold the title to the estate, or interest therein, absolutely in his or their own individual right and free from any trust, and a conveyance executed by such grantee or grantees, whether purporting to be the act of such grantee or grantees in his or their individual right, or in his or their capacity as trustee or trustees, shall prima facie convey such title or interest to his or their grantee or grantees. As to such conveyance last mentioned, such presumption shall be and become conclusive as to such undisclosed beneficiary, and the original grantor or trustor and anyone claiming under them in favor of a purchaser or encumbrancer in good faith and for a valuable consideration upon the filing of such conveyance last mentioned for record in the office of the recorder of the county wherein the land affected thereby is situated; *provided, however*, that as to such conveyances so filed for record prior to the taking effect of this act, such presumption shall not become conclusive except in favor of a purchaser or encumbrancer in good faith and for a valuable consideration until one year after the taking effect of this act when it shall become conclusive without any qualification whatsoever and no action to avoid or impugn any such conveyance last mentioned shall be commenced after the time when such presumption becomes conclusive as hereinbefore provided; *and further provided*, that nothing herein contained shall be construed as depriving such original grantor or trustor or undisclosed beneficiary, or any one claiming under them, from commencing and maintaining actions other than actions affecting the land the subject of such conveyances.

Effect of omitting beneficiary in conveyance to trustee.

Exceptions.

CHAPTER 135.

An act to amend sections sixty, sixty-one, sixty-two, sixty-three, sixty-six, sixty-eight, seventy and seventy-two of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places and sidewalks, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds," approved April 7, 1911, as amended.

[Approved May 9, 1923.]

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

Stats 1915,
p. 1471
amended.

SECTION 1. Section sixty of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places and sidewalks, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds," approved April 7, 1911, as amended, is hereby amended to read as follows:

Life of
bonds.

Sec. 60. Said serial bonds shall extend over a period not to exceed nine years from the second day of January next succeeding the fifteenth day of the next November following their date, and an even annual proportion of the principal sum thereof shall be payable, by coupon on the second day of January every year after the fifteenth day of the next November following their date, until the whole is paid, and the interest shall be payable semi-annually, by coupon, on the second days of January and July, respectively, of each year after their date, at the rate of not to exceed ten per cent per annum on all sums unpaid, until the whole of said principal and interest are paid. Upon such bonds dated after the fourteenth day of May of any year and on or before the fourteenth day of the following November the first interest coupon on said bonds shall become due and payable on the second day of the next succeeding January and upon such bonds dated after the fourteenth day of November of any year and before or on the fourteenth day of the following May the first interest coupon on said bonds shall become due on the second day of the next succeeding July.

Interest.
when
payable.

Fund

Said bonds and interest thereon shall be paid at the office of the city treasurer of said municipality, who shall keep a fund designated by the name of said bonds, into which he shall place all sums paid him for the principal of said bonds

and the interest thereon, together with all penalties thereon, and from which he shall disburse such sums, upon the presentation of said coupons; and under no circumstances shall said bonds or the interest thereon be paid out of any other fund. Said city treasurer shall keep a register in his office, which shall show the series, number, date, amount, rate of interest, payee and indorsees of each bond, and the number and amount of each coupon of principal or interest paid by him and shall cancel and file each coupon so paid.

The owner of or any person interested in any lot or parcel of land upon which a bond has been issued under the terms of this act may at any time before commencement of proceedings for sale pay off such bond and discharge the land described in the bond from the lien of the assessment, by paying to the city treasurer, for the holder of such bond, the amount then unpaid on the principal sum thereof, with interest thereon calculated up to the due date of the next maturing interest coupon at the rate named in the bond, and all penalties accrued and unpaid, together with interest for six months at the rate named in such bond. Upon such payment being made to the city treasurer he shall report the same to the street superintendent, who shall forthwith mark paid on the margin of the record of the assessment. the assessment to represent which such bond was issued, and thereupon the lien of said assessment shall cease and the city treasurer shall forthwith notify the holder of the bond and call in the same. The city treasurer shall enter in his record of such bond the amount paid and the date of payment, and upon the lien of the assessment being extinguished as aforesaid, shall cancel said bond and file it in his office.

Payment by interested party

SEC. 2. Section sixty-one of said act, approved April 7, 1911, as amended, is hereby amended to read as follows:

Stats. 1911, p. 758, amended.

Sec. 61. When said city council shall determine that serial bonds shall be issued to represent the expenses of any proposed work or improvement under this act, it shall so declare in the resolution of intention to do said work, and shall specify the rate of interest which they shall bear. Also a notice that a bond will issue to represent each assessment of twenty-five dollars or more remaining unpaid for twenty days after the date of the warrant, shall be included in the warrant.

Notice in resolution of intention.

Sec. 3. Section sixty-two of said act approved April 7, 1911, as amended is hereby amended to read as follows:

Stats. 1911, p. 758, amended

Sec. 62. After the full expiration of twenty days from the date of the warrant, the street superintendent shall make and certify to the city treasurer a complete list of all assessments unpaid, which amount to twenty-five dollars or over, upon any assessment, or diagram number; the principal of said unpaid assessments shall thereafter become due and payable to said treasurer in equal annual payments on the fifteenth day of each November succeeding the filing of said list until fully paid; the number of said annual payments shall correspond to the number of serial payments provided to be made on the

Unpaid assessments and interest.

principal of the bonds issued to represent said unpaid assessments; the interest on said unpaid assessments shall be payable on each fifteenth day of May and November succeeding the filing of such list of unpaid assessments, the last interest payment coming due forty-five days before the last annual payment of the principal of the bonds issued to represent said unpaid assessments; the first payment of the installment of interest shall be paid as set forth in section sixty hereof; the following shall each be for six months interest. Should any payment of principal of said unpaid assessments or of interest thereon be not paid on the date upon which the coupon or coupons representing it are payable, the city treasurer shall after the close of business on said due date add to the amount of principal or interest so delinquent a penalty of five per cent of the total amount of such delinquency, and at the beginning of business on the first day of each succeeding month, until such delinquent payment and all penalties thereon be fully paid, he shall add an additional penalty of one per cent of the amount of such delinquency, and said treasurer shall collect such penalties with and as a part of such delinquent payments.

Notice
to owners.

The city treasurer shall at least fifteen days before each respective fifteenth day of May and November, until said assessment be paid in full, mail, postage prepaid, to each owner of property described in said assessment, at his last known address, as appears upon the tax rolls of said city, a postal card notifying him of the amount due and the date when payment is due from him on said assessment and stating that said payment is subject to penalty if not paid on or prior to the due date of the coupons. *Provided*, that the failure of the city treasurer to mail said cards or the failure of the property owner to receive the same shall in no wise affect the validity of any penalty or invalidate any act or proceeding.

Stats. 1917,
p. 1172,
amended
Street im-
provement
bonds.

SEC. 4. Section sixty-three of said act approved April 7, 1911, as amended, is hereby amended to read as follows:

Sec. 63. The city treasurer shall upon the filing of said list, make out, sign, and issue to the contractor, or his assigns, payee of the warrant and assessment, a separate bond, representing upon each lot or parcel of land upon said list the total amount of the assessment against the same, as thereon shown, where the unpaid assessment or the unpaid remainder thereof amounts to twenty-five dollars or over. And if said lot or parcel of land is described upon said assessment and diagram by its number or block, or both, and is also designated by its number or block, or both, upon the official map of said municipality, or upon any map on file in the office of the county recorder of the county in which said municipality is situated, then it shall be in said bond a sufficient description of said lot or parcel of land to designate it by said number or block, or both, as it appears on said official or recorded map.

Said bond shall be substantially in the following form:

Form
of bond.

Street Improvement Bond.

Series (designating it), in the city (or other form of the municipality) of (naming it).

\$-----100 No.----

Under and by virtue of an act of the legislature of the State of California (title of this act), I, out of the fund for the above designated street improvement bonds, series----- will pay to -----, or order, the sum of -----dollars, (\$____) with interest at the rate of ----- per cent per annum, all as is hereinafter specified, and at the office of the ----- treasurer of the ----- of -----, State of California.

This bond is issued to represent the cost of certain street work upon -----, in the ----- of -----, as the same is more fully described in assessment number ----- issued by the street superintendent of said -----, after the acceptance of said work, and recorded in his office. Its amount is the amount assessed in said assessment against the lot or parcel of land numbered therein, and in the diagram attached thereto, as number-----, and which now remains unpaid, but until paid, with accrued interest, is a lien upon the property affected thereby, as the same is described herein and in said recorded assessment with its diagram, to wit: the lot or parcel of land in said ----- of -----, county of -----, State of California, -----.

This bond is payable exclusively from said fund, and neither the municipality nor any officer thereof is to be holden for payment otherwise of its principal or interest. The term of this bond is ---- years from the second day of January next succeeding the fifteenth day of the next November following its date, and at the expiration of said time the whole sum then unpaid shall be due and payable; but on the second day of January of each year, following the fifteenth day of the next November, after its date, an even annual proportion of its whole amount is due and payable, upon presentation of the coupon therefor, until the whole is paid, with all accrued interest at the rate of ---- per centum per annum.

The interest is payable semi-annually, to wit: on the second days of January and of July in each year hereafter, upon presentation of the coupons therefor, hereto attached, the first of which is for the interest from date to the next second day of -----, and thereafter the interest coupons are for semi-annual interest.

This bond may be redeemed by the owner or any person interested in any lot or parcel of land described herein, in the manner provided in said act, at any time before maturity, and before commencement of proceedings for sale, upon payment to the city treasurer, for the holder of this bond, of the amount then unpaid on the principal sum thereof, with interest thereon calculated up to the due date of the next maturing interest coupon, and all penalties accrued and unpaid, together with interest for six months at the rate named in said bond.

Should default be made in the annual payment upon the principal, or in any payment of interest from the owner of said lot or parcel of land, or anyone in his behalf, the holder of this bond is entitled to declare the whole unpaid amount to be due and payable, and to have said lot or parcel of land advertised and sold forthwith, in the manner provided by law. In case of such default, there shall be immediately added to such defaulted amount, five per cent of the amount thereof, and on the first day of each month following such default there shall be added a further penalty of one per cent of such defaulted amount. The city shall be entitled to one-half the penalty first imposed, namely, two and one-half per cent and the other two and one-half per cent and all subsequent penalties shall be paid to the holder of the bond along with and as a part of such defaulted payment.

At said _____ of _____, this _____ day of _____, in the year one thousand _____ hundred and _____.

City treasurer of the _____ of _____.

Stats 1915,
p 1474,
amended
To whom
payable.

SEC. 5. Section sixty-six of said act approved April 7, 1911, as amended, is hereby amended to read as follows:

Coupons.

SEC. 66. The bonds so issued by said treasurer shall be payable to the party to whom they issue, or order, and shall be serial bonds, as is hereinbefore described, and shall bear interest at the rate specified in the resolution of intention to do said work. They shall have annual coupons attached thereto, payable in annual order, on the second day of January of every year after the fifteenth day of the next November following the date of the bond, until all are paid, and each coupon shall be for an even annual proportion of the principal of the bond. They shall have semi-annual interest coupons thereto attached, as set forth in section sixty hereof. The city treasurer shall, in addition to his other duties in the premises, keep a record of all bonds issued by him, of all payments on said bonds with the dates thereof and of all penalties accruing thereon; and he shall report all payments of coupons or penalties upon said bonds, with the dates thereof, to the street superintendent, who shall forthwith endorse the same upon the margin of the record of the assessment to the credit of which the same are paid, and said assessment shall be a first lien upon the property affected thereby until the bond issued for the payment thereof, and the accrued interest thereon and the penalties, if any, shall be fully paid accord-

Record
of bonds.

ing to the terms thereof. Said bonds, by their issuance, shall be conclusive evidence of the regularity of all proceedings thereto under this act.

SEC. 6. Section sixty-eight of said act, approved April 7, 1911, as amended, is hereby amended to read as follows: Stats. 1921,
p. 203,
amended.

Sec. 68. The treasurer shall publish by two insertions in a newspaper of general circulation, published in the city in which said bond was issued, or if no newspaper is published in said city, then in some newspaper having general circulation therein, a notice which shall be substantially (filling in all blanks) as indicated following, to wit: Notice of
sale for
nonpayment.

"Notice of sale of property delinquent for nonpayment of bond No.-----, series No.-----, issued for the improvement of----- Default having been made in the payment of the following named coupons (here fill in date and amounts of the coupon or coupons which have not been paid) and the holder of said bond having demanded in writing that the city treasurer of the city of-----proceed to advertise and sell the lot or parcel of land mentioned in the said bond. Now, therefore, I give notice that I will on the-----day of----- 192--, at the hour of-----o'clock ---- M., of said day, sell at public auction the lot or parcel of land mentioned in said bond, or so much thereof as may be necessary at (here state the place of sale, which shall be at the office of said treasurer or at some public place in said city) unless the amount due on said bond and the accrued interest thereon together with the cost of the publication of this notice are paid; and that I will so sell the same to the person who will take the least amount of said lot or parcel of land and pay the full amount of unpaid principal and interest on said bond, together with costs of publication. The lot or parcel of land mentioned in said bond and to be sold, is more particularly described, to wit: (here set forth the description of the lot or parcel of land as contained in the bond). The amount due on said bond up to the date of this notice is as follows: Due on the principal thereof, \$----- dollars; due on account of interest \$-----dollars (here set forth the interest calculated and compounded semi-annually up to the day on which the notice is dated at the interest rate named in said bond upon the unpaid principal for the full period for which no interest has been paid) due on account of penalties \$-----dollars. Total amount due on said bond (here set forth the total of the foregoing items).

In order to avoid this sale, payment of the total amount above named will be required together with the cost of publications made before such payment and the additional interest accruing up to the date of payment.

In the event of sale, such sale will include interest in addition to the above total amount due accruing up to date of sale, the cost of publication of notice of sale, and one dollar for the issuing of certificate of sale. The----- (here

name newspaper) is designated as the newspaper in which this notice shall be published.

Dated-----

Treasurer of the city of-----”

The day named in the notice shall not be less than fifteen (15) days from the date of the first publication of the notice.

Stats. 1921, p. 291, amended.

SEC. 7. Section seventy of said act, approved April 7, 1911, as amended, is hereby amended to read as follows:

Interested party may pay

SEC. 70. The city treasurer shall collect the sum of one dollar as hereinbefore mentioned, for the issuance of the certificate of sale, which sum shall belong to, and be subject to the disposition of the city; any person interested in the lot or parcel of land described in the notice of sale may at any time prior to the sale, pay the whole amount of principal of said bond remaining unpaid, the interest thereon compounded semi-annually up to the date of such payment, at the rate named in said bond upon such amount of said principal remaining unpaid for the whole period for which interest has not been paid, and all penalties which have accrued, together with the cost of the publication of the notice of sale; in such event the payment being made, the bond shall be cancelled; but if such payment be not made, the sale shall be made as advertised; the lot or parcel described in the bond shall be sold to the purchaser who shall take the least amount of said lot or parcel and pay all of the sums specified in the notice of sale given by the treasurer. In the event that through error or otherwise the total amount for which said sale shall be made is less than that which may be required by the provisions hereof, and the holder of the bond is the purchaser at the sale and elects to accept the certificate of sale hereinafter mentioned, or if he accepts from the treasurer such sum derived from said sale made to some other purchaser, then the fact that the sale may have been made for less than the amounts specified herein shall not affect or invalidate the sale, and such receipt of said certificate or said sum shall be a waiver on the part of the holder of said bond, and the said deficient amount of sale shall be the amount upon which redemption from the sale shall be calculated to all effects the same as if the sale had been made for the full amount authorized hereby.

Sale if not paid.

Sale for less than amount due

Stats. 1921, p. 297, amended

SEC. 8. Section seventy-two of said act, approved April 7, 1911, as amended, is hereby amended to read as follows:

Purchaser's lien.

SEC. 72. Immediately on the sale, the purchaser shall become vested with a lien on the property, so sold to him, to the extent of his bid, and is only divested of such lien by the payment to the city treasurer of the purchase money, including costs herein provided for, inclusive of moneys paid for taxes, street improvement assessments, or other tax or statutory lien or to redeem from sale as hereinafter specified, and the fee of the recorder for recording the certificate of sale, with interest thereon at the rate of one per cent per month from the date of sale; the city treasurer shall issue for each

Certificate of sale.

sale an original and a duplicate certificate of sale reciting therein the date, number and series of the bond under which the sale was made, describing the land sold, and giving the date of sale, purchaser's name, amount paid, and the number of the certificate. He shall deliver the original certificate to the purchaser and shall record the duplicate in the office of the recorder of the county in which the land sold is situated. At any time after delivery to him by the city treasurer of said certificate of purchase the legal holder thereof may pay any general taxes, street improvement assessments, or any other tax or statutory lien upon the property described in said certificate of purchase which may be prior to his or redeem said property from any sale made in collection or enforcement of such general taxes, foreclosing street improvement assessments or other tax or statutory lien and the city treasurer, upon production by the holder of said certificate of purchase of the official receipt for the amounts so paid by him shall make an endorsement upon said certificate of purchase showing that said receipts have been so produced stating the nature of the lien paid, and the amount thereof and he shall make a like entry upon the book as provided in section seventy-one of this act, and shall collect the amount thereof as a part of the amount represented by said certificate of purchase together with interest thereon at the same rate as provided in the certificate of purchase.

Rights of
certificate
holder.

CHAPTER 136.

An act to reserve from sale certain state land adjoining "Reynolds ranch" in Sonoma county, and providing for the use thereof.

[Approved May 9, 1923.]

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

SECTION 1. The west half of the southwest quarter of section thirteen; southeast quarter of northwest quarter, south half of northeast quarter, north half of south half and southeast quarter of southeast quarter of section fourteen; northeast quarter of southeast quarter of section fifteen; and northeast quarter of northeast quarter of section twenty-three, township seven north, range six west, Mount Diablo base and meridian, containing four hundred eighty acres, said land being the property of the State of California, is hereby reserved from sale and set aside for the use of the state in connection with the Sonoma State Home, and said land is hereby placed under the management and control of the department of institutions of the State of California; *provided*, that should the department of institutions at any future period decide that such land is not necessary for use in connection with the Sonoma State Home that in that event said land shall be and become subject to sale under the then existing laws providing for the sale of school lands.

Additional
land for
Sonoma
State
Home

CHAPTER 137.

An act to add a new section to be numbered fifteen a to an act entitled "An act to provide for the payment of retirement salaries to public school teachers of this state; creating a public school teachers' retirement salary fund, and also a public school teachers' permanent fund, providing for the administration of such funds, and making an appropriation for the use of said fund," approved June 16, 1913, as amended, relating to teachers employed at the southern branch of the University of California.

[Approved May 9, 1923.]

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

Stats. 1913,
p. 1128,
amended

SECTION 1. A new section to be numbered fifteen a is hereby added to "An act to provide for the payment of retirement salaries to public school teachers of this state; creating a public school teachers' permanent salary fund, and also a public school teachers' permanent fund, providing for the administration of such funds, and making an appropriation for the use of said funds," approved June 16, 1913, as amended, to read as follows:

Service in
southern
branch of
university.

Sec. 15a. Such members of the staff of the Los Angeles State Normal School who continued as members of the faculty of the southern branch of the University of California on June 25, 1919, the date of the establishment of said southern branch of the University of California, and who were entitled to the benefits of and subject to the provisions of an act entitled "An act to provide for the payment of retirement salaries to public school teachers of this state; creating a public school teachers' retirement salary fund, and also a public school teachers' permanent fund, providing for the administration of such funds, and making an appropriation for the use of said fund," approved June 16, 1913, as amended, shall continue to be so entitled to the benefits and subject to the provisions of said act if they so elect on or before December 31, 1923, by notice to, and a payment of amounts due under the law, to the public school teachers' retirement salary fund board. Service in the southern branch of the University of California for such persons shall be equivalent to service under legal certificate in a day or evening school and the time of said service in said southern branch of the University of California shall be reckoned in determining the right to retirement salaries under provisions of sections thirteen and fourteen of this act.

CHAPTER 138.

An act to amend section one thousand eight hundred thirty of the Political Code, relating to school district elections.

[Approved May 9, 1923.]

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

SECTION 1. Section one thousand eight hundred thirty of the Political Code is hereby amended to read as follows:

1830. The board of school trustees of any district may, prior to the fifteenth day of August in any year, when in their judgment it is advisable, call an election, and submit to the electors of the district the question whether a tax shall be raised to furnish additional school facilities for the district, or to maintain any school in such district, or for building one or more schoolhouses, for improving school grounds, for building sidewalks, for grading and paving streets adjoining real property owned by the school district, or for any two or all of these purposes; *provided*, that where a tax has been collected for the purpose of building a schoolhouse, and the erection of said schoolhouse shall not have been commenced within two years from the time said tax was collected, the custodian of said money shall return the same to the parties from whom said tax was collected.

Election for a tax for additional school facilities.

CHAPTER 139.

An act to amend section three hundred sixty-six of the Political Code, relating to the department of institutions.

[Approved May 9, 1923.]

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

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

366. A department of the government of the State of California to be known as the department of institutions is hereby created. The department shall be conducted under the control of an executive officer to be known as director of institutions which office is hereby created. The director shall be appointed by and hold office at the pleasure of the governor and shall receive a salary of five thousand dollars per annum. Before entering upon the duties of his office the director shall execute an official bond to the State of California in the penal sum of twenty-five thousand dollars, conditioned upon the faithful performance of his duties. Except as in this article otherwise prescribed, the provisions of article two of this chapter, title and part of the Political Code as adopted at the forty-fourth session of the legislature, and as the same may be amended from time to time, shall govern and apply to the conduct of the department of institutions in every respect the same as if such provisions were herein set forth at length.

Department of institutions created.

Transfer
of inmates.

The director of institutions may prescribe the conditions of and authorize the transfer of the inmates of one institution within the department to another institution within the department.

CHAPTER 140.

An act to amend section four of an act entitled "An act authorizing municipal corporations to permit other municipal corporations to construct and maintain sewers, water mains, and other conduits therein, also to construct and maintain sewers, water mains, and other conduits for their joint benefit, and at their joint expense, and to make and enter into contracts for said purposes," approved March 22, 1909, as amended.

[Approved May 9, 1923.]

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

Stats. 1910,
p. 133,
amended.

SECTION 1. Section four of "An act authorizing municipal corporations to permit other municipal corporations to construct and maintain sewers, water mains, and other conduits therein, also to construct and maintain sewers, water mains, and other conduits for their joint benefit, and at their joint expense," approved March 22, 1909, as amended is hereby amended to read as follows:

Joint
construction
and main-
tenance of
sewers, etc.

Sec. 4. Whenever the city councils, sanitary boards or other legislative bodies of two or more municipal corporations, two or more sanitary districts, or one or more municipal corporations, and one or more sanitary districts, shall by resolutions adopted by them determine and declare that it will be for the interest or advantage of such municipal corporations or sanitary districts to do so, such municipal corporations or sanitary districts, by their respective councils, sanitary boards, or other legislative bodies, may enter into a joint agreement authorizing and providing for the joint construction and maintenance of sewers, water-mains, or other conduits situated in the streets or other public places of either or any of such municipal corporations or sanitary districts, including the joint construction and maintenance of all necessary outfall sewers, whether constructed within or outside of the exterior boundaries of such municipal corporations or sanitary districts, and by such joint agreement shall provide for the joint payment of the cost and expense of and for the joint use, benefit and maintenance of all such sewers, outfall sewers, water mains and other conduits, upon such terms and conditions, and under such regulations, as may be approved by the city councils, sanitary boards, or other legislative bodies of all such municipal corporations or sanitary districts; and the city council, sanitary board or other legislative body of each such municipal corporation or sanitary district may, and are hereby vested with power to, bind and obligate such municipal corporations or sanitary districts to pay such proportionate part of

the cost of the construction of such sewer, outfall sewer, water mains, or other conduits, at such times and in such installments as may be provided for in such joint agreement; *provided*, that when any two or more municipal corporations or sanitary districts, or one or more municipal corporations and one or more sanitary districts, shall have heretofore entered into or may hereafter enter into a joint agreement in the manner and for the purposes above provided, such municipal corporations or sanitary districts, by unanimous consent, may and shall have full right, power and authority to amend or supplement any such joint agreement, and permit additional municipal corporations or sanitary districts or both to become a party or parties thereto.

When any such additional municipal corporations or sanitary districts or both shall, by resolutions adopted by their city councils, sanitary boards, or other legislative bodies, determine and declare that it will be for the interest or advantage of such municipal corporations or sanitary districts to become a party thereto and, by such amended or supplemental joint agreement, provide for the joint payment of the cost and expenses of and for the joint use, benefit, and maintenance of all such sewers, outfall sewers, water mains, and other conduits, upon such terms and conditions and under such regulations as may be approved by the city councils, sanitary boards or other legislative bodies of all the municipal corporations and sanitary districts entering into any such amended or supplemental joint agreement, and each such municipal corporation and sanitary district shall thereupon be bound and obligated to pay such proportionate part of the cost and expense of the construction and maintenance of any such sewer, outfall sewer, water main or other conduit, at such times, and in such installments as may be provided for in such amended or supplemental joint agreement, including the reimbursement of the municipal corporations, sanitary districts, or both, entering into the original joint agreement for any part of the money expended by them pursuant to such joint agreement, and any such amended or supplemental joint agreement may be entered into prior to the commencement, during the construction, or after the completion of any such sewer, outfall sewer, water main or other conduit.

Other
public
corporations
may join.

All contracts for the construction of sewers, outfall sewers, water mains, or other conduits, under the provisions of this section shall be made and entered into by the one of such municipal corporations or sanitary districts designated by the city councils, sanitary boards or other legislative bodies of all such municipal corporations or sanitary districts, and in the manner provided in section three of this act. Two or more municipal corporations, two or more sanitary districts, or one or more municipal corporations, and one or more sanitary districts, may also, by their city councils, sanitary boards, or other legislative bodies, enter into an agreement or agreements with each other for the joint use by such municipal corporations or sanitary districts, of any sewers, outfall sewers, water

Use of
streets
authorized

mains or other conduits theretofore constructed in whole or in part in the streets or other public places of either or any such municipal corporations or sanitary districts, upon such terms and conditions as they by mutual agreement may, by their respective city councils, sanitary boards or other legislative bodies, determine to be proper. Authority is hereby specifically granted to use the streets within the public corporations entering into such an agreement, for the construction and maintenance of sewers provided for by this section, and whenever it is necessary to extend such sewers without the limits of the public corporations entering into such joint or mutual agreement, then authority is hereby granted to use public highways without the limits of an incorporated city for the construction and maintenance of such sewers, subject only to the right of the board of supervisors to make reasonable police regulations for the protection of the highways so used.

CHAPTER 141.

An act to amend sections two thousand eight hundred forty-five and two thousand eight hundred forty-seven of the Political Code of the State of California, relating to toll bridges.

[Approved May 9, 1923.]

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

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

Duty of
board of
supervisors
granting
authority.

2845. The board of supervisors granting authority to construct a toll bridge or to keep a public ferry, must at the same time:

1. Fix the amount of a penal bond to be given by the person or corporation owning or taking tolls on the bridge or ferry for the benefit of the county and of persons crossing or desiring to cross the same, and provide for the annual renewal thereof.

2. Fix the amount of license tax to be paid by the person or corporation for taking tolls thereon, not less than three dollars nor over one hundred dollars per month, payable annually.

3. Fix the rate of tolls which may be collected for crossing the bridge or ferry which may raise annually an income not exceeding fifteen per cent on the actual cost of the construction or erection of the bridge or ferry, and such additional income as will provide for the annual cost of operation, maintenance, amortization and taxes of the bridge or ferry.

4. Fix the term for the operation of such toll bridge or ferry which shall not exceed fifty years.

5. Make all necessary orders relative to the construction, erection and business of licensed toll bridges or ferries which they have by law the power to make. The board of supervisors may, at any time they see fit, authorize and maintain ferries

across any water within any distance of any licensed toll bridge or ferry.

SEC. 2. Section two thousand eight hundred forty-seven of the Political Code is hereby amended to read as follows:

2847. Every owner or keeper of a toll bridge or ferry must report annually to the board of supervisors from which his license is obtained, under oath, the following facts: Report of bridge or ferry owner or keeper.

1. The actual cost of the construction or erection and equipment of the toll bridge or ferry.

2. The repairs made during the preceding year and the actual cost thereof.

3. The expense of labor and hire of agents and other costs necessarily incurred in and about the conduct of their business.

4. The amount of amortization and taxes actually paid in and about the conduct of their business.

5. The amount of tolls collected.

6. The estimated actual cash value of the bridge or ferry exclusive of the franchise.

CHAPTER 142.

An act providing for the sale of certain sovereign lands of the State of California lying within the meander lines of Clear lake.

[Approved May 9, 1923.]

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

SECTION 1. The sovereign lands belonging to the State of California in those portions of sections seventeen, eighteen, nineteen, twenty, twenty-nine and thirty, township fifteen north, range nine west, Mount Diablo base and meridian, lying within the meander lines of the arm of Clear lake known locally as Robinson lake shall be sold by the surveyor general under rules and regulations prescribed by him at a price to be fixed by the state board of control and the surveyor general. Sale of state lands adjoining Robinson lake.

The owners of the lands adjoining said state lands shall have a preference right to purchase said state lands for a period of six months from the date this act takes effect.

CHAPTER 143.

An act providing for the creation of revolving funds in the counties of the state.

[Approved May 9, 1923.]

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

SECTION 1. The board of supervisors of any county desiring to establish a revolving fund for the use of any officer of the county may do so by adopting a resolution setting forth the necessity for the revolving fund, the office or institution Establishment of revolving fund.

for which such fund shall be available, and the amount of such fund, which amount shall not exceed the sum of one thousand dollars. Certified copies of such resolution shall be transmitted to the county auditor and county treasurer.

Bond.

SEC. 2. Before any money is withdrawn from the county treasury to be placed in such revolving fund the officer for whose use the fund is created shall file with the clerk of the board of supervisors a bond executed by himself as principal and by a surety company, authorized to execute bonds under the laws of the state as surety, in an amount not less than twice the amount of such revolving fund. Said bond shall be conditioned upon the faithful administration of such fund and upon the willingness and ability of the principal on the bond to account for and pay over said fund upon demand of the board of supervisors at any time.

Warrant.

SEC. 3. It shall be the duty of the county auditor to draw his warrant in favor of the officer for whose benefit the revolving fund was created, upon the filing of the bond hereinabove referred to, and the county treasurer shall cash said warrant. The officer entrusted with said fund shall not be authorized to expend any portion thereof except for services or material, the securing or purchase of which is a legal charge against the county, and no expenditure in excess of one dollar shall be made unless a receipt is obtained therefor, setting forth the date and purpose of the expenditure and the amount expended. Demand shall be made upon the county for the reimbursement of said fund in the same manner that other demands are made, such demands to be supported by the receipts hereinabove referred to. All sums received in satisfaction of said demands shall be returned to the revolving fund and each officer entrusted with said fund shall upon demand of the auditor or board of supervisors give account of said fund.

Use of fund.

Reimbursement.

Reduction or discontinuance of fund.

SEC. 4. The board of supervisors may at any time reduce or discontinue any revolving fund established by its order. Whenever any revolving fund is ordered reduced the officer using the same shall immediately return to the county treasurer the amount necessary to reduce the fund as ordered by the board. If the revolving fund is discontinued the officer using the same shall immediately refund the same to the county treasurer. In either event a reasonable time shall be allowed the officer to reimburse himself by demand on the county for expenditures from said fund legally made.

Sheriff's transportation fund.

SEC. 5. In addition to the revolving funds hereinabove provided for any board of supervisors may establish a revolving fund to be used by the sheriff in paying the expense of transporting persons committed to state institutions. Such fund shall be in an amount sufficient to enable the sheriff at all times to meet such expense.

All the provisions of this act shall apply to the fund for which provision is made by this section, except in so far as inconsistent therewith. Such fund if necessary may be in an amount greater than one thousand dollars, shall be expended

only in transporting persons the cost of whose transportation is a state charge, and shall be replenished by demands made against the state.

CHAPTER 144.

An act to amend section one thousand two hundred three of the Penal Code, defining the powers of the court in regard to probation of persons guilty of crime and relating to the probation of persons arrested for crime after plea or verdict of guilty and the suspending of the imposition or execution of sentence during the term of probation and the disposition of such accusation after full compliance with the terms of probation and providing for the creation of the offices of adult probation officer, assistant adult probation officer and deputy adult probation officer in certain counties and cities and counties and fixing their compensation and duties and providing for adult probation boards in certain counties and cities and counties.

[Approved May 9, 1923.]

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

SECTION 1. Section one thousand two hundred three of the Penal Code is hereby amended to read as follows:

1203. After the conviction by plea or verdict of guilty of a public offense where discretion is conferred upon the court or any board or commission or other authority as to the extent of the punishment, the court or board or commission or other authority before judgment and sentence and except as hereinafter provided, may upon oral suggestion of either party or of its own motion when it appears that there are circumstances which may properly be taken into view either in aggravation or mitigation of the punishment, may in its discretion refer the same to the probation officer directing said probation officer to investigate and to report, recommending either for or against release upon probation at a specified time, and the court shall hear the same summarily at that specified time and upon such notice to the adverse party as it may direct. At such specified time if it shall appear from the report furnished by the probation officer or otherwise and from the circumstances, that any person over the age of eighteen years having either pleaded guilty or having been convicted of a public offense, that there are circumstances in mitigation of punishment or that the ends of justice shall be subserved thereby, the court may have power in its discretion to place the defendant upon probation as hereinafter provided; *further provided, however*, that nothing contained in this section shall apply to cases of murder, robbery, burglary, or rape by force and violence, where in the perpetration of such crimes a deadly weapon is used, or the person committing any of the said crimes was armed with a deadly weapon or where, in the perpetra-

Investigation
by proba-
tion officer.

tion of any such crimes, great bodily injury or torture is inflicted, nor to any person who has been previously convicted of any of said offenses, nor where a public official or employee of the state, county, city, city and county, or other political subdivision thereof in the discharge of the duties of his public office or employment accepts or gives or offers to accept or give a bribe or embezzles public moneys or is guilty of extortion in the discharge of his official duty.

Suspension
of sentence.

(a) The court, judge or justice thereof, may suspend the imposing, or the execution of sentence and may direct that such suspension may continue for such period of time not exceeding the maximum possible term of such sentence, except as hereinafter set forth, and upon such terms and conditions as it shall determine, which terms and conditions may include, in the discretion of the court, the requirements of bonds for the appearance of the person released upon probation before the court, at any time that the court may require such appearance in the investigation of any alleged violation of said terms and conditions of probation and such bonds may be at any time by the court exonerated without affecting any of the other terms and conditions of such probation; and in the case of such suspension of imposition or execution of sentence, the court shall place such person on probation and under the charge and supervision of the probation officer of said court during such suspension; *provided, however*, that where the maximum possible term of such sentence is less than two years, then such period of suspension of imposition or execution of sentence may, in the discretion of the court, continue for not over two years. Where the offense consists of a violation of section two hundred seventy or two hundred seventy-a of the Penal Code of the State of California, such suspension of imposition or execution of sentence may, in the discretion of the court, continue for not over five years.

Opportunity
to pay fine.

(b) If the judgment is to pay a fine, and the defendant be imprisoned until it be paid, the court, judge or justice upon imposing sentence, may direct that the execution of the sentence of imprisonment be suspended for such period of time, not exceeding the maximum possible term of such sentence and on such terms as it shall determine, and shall place the defendant on probation, under the charge and supervision of the probation officer during such suspension, to the end that he may be given the opportunity to pay the fine; *provided, however*, that upon the payment of the fine being made, judgment shall be satisfied and the probation cease.

Rearrest.

(c) At any time during the probationary term of the person released on probation, in accordance with the provisions of this section, any probation officer may, without warrant, or other process, at any time until the final disposition of the case, rearrest any person so placed in his care and bring him before the court, or the court may, in its discretion, issue a warrant for the rearrest of any such person and may thereupon revoke and terminate such probation, if the interest of justice so requires, and if the court, in its judgment, shall

have reason to believe from the report of the probation officer, or otherwise, that the person so placed upon probation is violating the conditions of his probation, or engaging in criminal practices, or has become abandoned to improper associates, or a vicious life. Upon such revocation and termination, the court may, if the sentence has been suspended, pronounce judgment after the said suspension of the sentence for any time within the longest period for which the defendant might have been sentenced but if the judgment has been pronounced and the execution thereof has been suspended, the court may revoke such suspension, whereupon the judgment shall be in full force and effect, and the person shall be delivered over to the proper officer to serve his sentence.

(d) The court shall have power at any time during the term of probation to revoke or modify its order of suspension of imposition or execution of sentence. It may, at any time when the ends of justice will be subserved thereby, and when the good conduct and reform of the person so held on probation shall warrant it, terminate the period of probation and discharge the person so held, but no such order shall be made without written notice first given by the court or the clerk thereof to the proper probation officer of the intention to revoke or modify its order, and in all cases, if the court has not seen fit to revoke the order of probation and impose sentence or pronounce judgment, the defendant shall, at the end of the term of probation, be by the court discharged.

Revocation
of order
by court.

(e) Every defendant who has fulfilled the conditions of his probation for the entire period thereof, or who shall have been discharged from probation prior to the termination of the period thereof, shall at any time prior to the expiration of the maximum period of punishment for the offense of which he has been convicted, dating from said discharge from probation of said termination of said period of probation, be permitted by the court to withdraw his plea of guilty and enter a plea of not guilty; or if he has been convicted after a plea of not guilty, the court shall set aside the verdict of guilty; and in either case the court shall thereupon dismiss the accusation or information against such defendant, who shall thereafter be released from all penalties and disabilities resulting from the offense or crime of which he has been convicted.

Change
of plea.

(f) The offices of adult probation officer, assistant adult probation officer, and deputy adult probation officer are hereby created; *provided*, that except as hereinafter specified the probation officers, assistant probation officers and deputy probation officers appointed under an act known as the juvenile court law and entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls and other institutions; establishing

Adult
probation
officers.

Probation officers under juvenile court law, to serve, when.

probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, or under any laws amending or superseding the same shall be ex officio adult probation officers, assistant adult probation officers and deputy adult probation officers respectively except in the case of offenses committed in any city and county and also in those counties not operating under a freeholder's charter, and having a population of more than three hundred thousand, as the same is determined by the federal census taken in the year anno Domini one thousand nine hundred twenty. in which counties and cities and counties the adult probation officers, assistant and deputy adult probation officers appointed under subdivision (g) of this section shall serve under this act; *provided, however,* that in all cases of offenses defined by section twenty-one of said act, known as the juvenile court law and by section two hundred seventy of the Penal Code, the same probation officers, assistants and deputies shall serve under this act as are appointed under said juvenile court law.

Adult probation board.

(g) In any city and county and in any said county having a population of more than three hundred thousand and not operating under a freeholder's charter, the judges presiding in the departments designated for the hearing and disposition of criminal cases and proceedings by a majority vote shall by order entered in the minutes of the court appoint seven citizens of good moral character to be known as the adult probation board and shall fill all vacancies occurring in such board. The clerk of said court shall immediately notify each person appointed on said board and thereupon said person shall appear before a judge of the superior court and qualify by taking an oath, which shall be entered in said court record, to perform faithfully the duties of such adult probation board. The members of such adult probation board shall hold office for four years, and until their successors are appointed and qualify; *provided,* that of those first appointed one shall hold office for one year, two for two years, two for three years and two for four years, the terms for which the respective members shall hold office to be determined by lot as soon after their appointment as may be. When any vacancy occurs in any probation board by expiration of the term of office of any member thereof, the successor shall be appointed to hold office for the term of four years. When any vacancy occurs for any other reason the appointee shall hold office for the unexpired term of his predecessor. Any member of the probation board may be

Term.

Vacancies.

Removal for cause.

removed for cause at any time by an affirmative vote of four members of said board at a meeting called for the special purpose of considering the question of said removal and the subsequent written approval of a majority of the said judges designated for the hearing and disposition of criminal cases and proceedings, said written approval to be filed with the clerk of the court within thirty days after the written report of the said board has been received by said judges. Written notice as to said special meeting shall be served on each of the members of said board at least ten days prior to the date set therefor and shall specify the purpose thereof.

It shall be the duty of such adult probation board to exercise a friendly supervision of probationers when so directed by the court to furnish the court information and assistance whenever required upon the request of the court and from time to time to advise and recommend to the court any changes or modifications of the order made in the case of a probationer as may be for the best interests of such person.

Duty of board.

Members of the adult probation board shall serve without compensation.

No compensation.

In any city and county there shall be one adult probation officer and eight assistant adult probation officers, who shall receive salaries as follows: adult probation officer, two hundred fifty dollars per month, one assistant adult probation officer two hundred dollars per month, and seven assistant adult probation officers at one hundred forty dollars per month, each. In any county of more than three hundred thousand and not operating under a freeholder's charter, there shall be one adult probation officer, one assistant adult probation officer and two deputy adult probation officers who shall receive the following salaries: adult probation officer, three thousand dollars per annum; assistant adult probation officer, two thousand four hundred dollars per annum; one deputy adult probation officer two thousand one hundred dollars per annum; one deputy adult probation officer, six hundred dollars per annum. One deputy adult probation officer in such county shall be a woman and shall be a competent stenographer and typist of sufficient ability to perform the clerical and stenographic work of the office in addition to her other duties. The salaries of the adult probation officer, assistant and deputies herein provided shall be paid out of the treasury of the county or city and county in which they are appointed in the same manner as the salaries of other county officers. The said adult probation officer, assistant and deputies shall be allowed such necessary incidental expenses incurred in the performance of their duties as required by any law of the State of California as may be authorized by a judge designated for the hearing and disposition of criminal cases and proceedings, or by the judge of a department to which criminal actions and proceedings are assigned, and the same shall be a charge upon the county and said expenses shall be paid out of the county treasury upon the written order of said judge, directing the county auditor to deliver his warrant upon the treasurer

Salaries of adult probation officers.

for the specified amount of such expenses. The adult probation officer shall keep a list of expenses and file a copy monthly with the board of supervisors.

Nomination
of officers.

In any city and county and in said counties having a population of more than three hundred thousand and not operating under a freeholder's charter, the adult probation officer, assistant and deputies hereinbefore provided shall be nominated by the adult probation board and shall be appointed by a majority vote of the judges presiding in the departments designated for the hearing and disposition of criminal cases. The term of office of the adult probation officer, assistant and deputies herein provided for shall be two years from the date of their appointment. The said officers may at any time be removed by a vote of a majority of the judges presiding in the departments designated for the hearing and disposition of criminal cases and proceedings for good cause shown and on the filing of written charges by the said judge or judges with the adult probation officer.

Bonds.

Each adult probation officer, assistant and deputy shall give a bond in the sum of not more than two thousand dollars to be fixed and approved by the judges of the superior court presiding in the departments designated for the hearing and disposition of criminal cases, conditioned for the faithful discharge of the duties of said office. If said bonds are furnished by a surety company licensed to transact business in the State of California, the premium thereon shall be paid out of the county treasury.

Deputies.

The adult probation officer may appoint as many additional deputies as he may desire; *provided, however*, that such deputies shall not have authority to act until their appointment shall be approved by a majority vote of the adult probation board and by a majority vote of the judges presiding in departments designated for the hearing and disposition of criminal cases. The term of office of such deputies shall expire with the term of the adult probation officer making such appointment, but the adult probation officer may at any time in his discretion revoke and terminate such appointment. Such deputies, except as herein provided, shall serve without compensation. Board of supervisors of cities and counties and of counties having a population of more than three hundred thousand and not operating under a freeholder's charter, shall provide and maintain at the expense of such county or city and county in a location in the vicinity of the county jail suitable offices and quarters for the adult probation officer. Nothing contained in this subdivision shall apply to the offenses defined by section twenty-one of the said juvenile court law and by section two hundred seventy of the Penal Code.

Transfer
of cases.

(h) Whenever any person is released upon probation under the provisions of this act, the case may be transferred to any court of the same rank in any other county, or city, and county, of this state in which such person resides, or to which such person may remove, and such court shall thereupon commit

such person to the care and custody of the probation officer of the county, or city and county to which such person has been transferred; such court shall thereafter have entire jurisdiction over such case, with like power to make transfer whenever to such court such transfer may seem proper.

(i) At the time of the plea or verdict of guilty of any crime of any person over eighteen years of age, the probation officer of the county of the jurisdiction of said crime shall, when so directed by the court, inquire into the antecedents, character, history, family environment, and offense of such person, and must report the same to the court, and file his report in writing in the records of said court. His report shall contain his recommendation for or against the release of such person on probation. If any such person shall be released on probation and committed to the care of the probation officer, such officer shall keep a complete and accurate record in suitable books or other form in writing, of the history of the case in court, and of the name of the probation officer, and his acts in connection with said case; also the age, sex, nativity, residence, education, habits of temperance, whether married or single, and the conduct, employment and occupation, and parents' occupation, and condition of such person so committed to his care during the term of such probation and the result of such probation. Such record of such probation officer shall be and constitute a part of the records of the court, and shall at all times be open to the inspection of the court, or of any person appointed by the court for that purpose, as well as of all magistrates, and the chief of police, or other head of the police, unless otherwise ordered by the court. Said books of record shall be furnished for the use of said probation officer of said county, and shall be paid for out of the county treasury.

(j) Every probation officer, within fifteen days after the thirtieth day of June, and within fifteen days after the thirty-first day of December, of each year, shall make in writing and file as a public document with the county clerk a report to the superior court of the county or city and county in which such probation officer is appointed to serve, and shall furnish a copy of such report to each judge in said county or city and county who has released any person on probation who at the time of such report remains on probation; and a further copy to the secretary of the state board of charities and corrections. Such report shall state, without giving names, the exact number of persons, segregating male and female, and segregating misdemeanors and felonies, who have been released on probation to such probation officer as such number exists, deducting all cases of expiration, discharge, dismissal, and restoration of rights, on said thirtieth day of June and said thirty-first day of December; and such report shall further segregate such person as having been released on probation, as the case may be, in one thousand nine hundred three, one thousand nine hundred four, one thousand nine hundred five and so on, up to and including the calendar year in which such report is made and filed.

Report on person's antecedents, etc.

Reports of probation officers.

Statement
of terms of
probation.

(k) The probation officer shall furnish to each person who has been released on probation, and committed to his care a written statement of the terms and conditions of his probation unless such statement has been furnished by the court, and shall report to the court, judge or justice, releasing such person upon probation, any violation or breach of the terms and conditions imposed by such court on the person placed in his care.

Powers of
peace
officers.

(l) Such probation officer shall have, as to the person so committed to the care of said probation officer, the powers of a peace officer.

CHAPTER 145.

An act to amend section one thousand six hundred twenty-three of the Political Code, relating to the liability of school trustees.

[Approved May 10, 1923.]

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

SECTION 1. Section one thousand six hundred twenty-three of the Political Code is hereby amended so as to read as follows:

Liabilities
of trustees.

1623. Boards of school trustees, high school boards, junior college boards and boards of education are liable as such in the name of the district for salary due any teacher on contract, and for all debts contracted under the provisions of this chapter, and for any judgment against the district on account of injury to any pupil arising because of the negligence of the district or its officers or employes and they must pay any judgment for debts, liabilities or damages out of the school funds to the credit of such district, subject to the limitation on the use of said funds fixed in the constitution of the State of California; *provided*, that the contracts mentioned in this section shall not be made in excess of the school moneys accruing to the district and usable for the purposes of such contracts during the school year for which the contracts are made, otherwise the district shall not be held liable.

District
attorney's
duty.

The district attorney of the county in which a school district is located shall without fee or other charge defend the district in any suit brought for injury to any pupil for any cause. In case suit is brought against the members of the board of school trustees or board of education as individuals for any act or omission in the line of official duty as trustee or board member, it shall be the duty of the district attorney of the county to defend the members of such board of school trustees or board of education without fee or other charge.

Limitation.

Members of the boards of school trustees and city boards of education shall not be held personally liable for accidents to children going to or returning from school or on the playgrounds or in connection with school work.

CHAPTER 146.

An act to amend section five of an act entitled "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property and to levy and collect taxes to pay the principal and interest on bonds and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts, upon certain county officers," approved June 1, 1921.

[Approved May 10, 1923.]

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

SECTION 1. Section five of "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved June 1, 1921, is hereby amended so as to read as follows:

Stats. 1921,
p. 908,
amended.

Sec. 5. If, by the certificate of the county clerk, any petition hereinabove provided for is found to be insufficient, he shall certify to the number of qualified electors required to make such petition sufficient in addition to the signatures already thereon and verified by him, and said petition may then be amended by filing a supplemental petition within ten days from the date of such certificate. The county clerk, shall within ten days after the filing of such supplemental petition make a like examination of the same and certify to the result of such examination, as herein provided. If this certificate shall show any such petition as amended to be insufficient, it shall be filed by him in his office and kept as a public record, without prejudice, however, to the filing of any other petition to the same effect at some future time not less than six months thereafter. But if by such certificate such petition, or such petition as amended, is shown to be sufficient, the clerk shall present the same to the board of supervisors of such county, without delay, with his certificate attached thereto and properly dated.

Supplemental
petitions.

If any supplemental petition be filed, all signatures appended to the petition and to the supplemental petition shall be considered in determining the number of qualified electors signing the petition. After the election for the incorporation of such proposed public utility district, the sufficiency of the petition, in any respects, shall not be subject to judicial review or be otherwise questioned.

Hearing
of petition.

Each board of supervisors to which a petition shall have been presented shall by resolution fix a time for the hearing of the same, which shall be held within fifteen days after final publication of the notice herein provided for; and such board of supervisors shall within ten days after such petition is presented to it publish a copy of said petition, together with a notice that said petition will be heard by said board, at the time and place designated in and by said resolution, at which hearing the board shall determine whether or not said petition complies with the requirements hereinbefore set forth and whether or not the notice required herein has been published as required, and must hear all competent and relevant testimony offered in support of or in opposition to said petition. Said hearing may be adjourned from time to time for the determination of said facts, not exceeding two weeks in all. No defect in the contents of the petition or in the title to or form of the notice shall vitiate any proceedings thereon; provided such signatures attached to said petition are sufficient. At such hearing the board shall make such changes in the proposed boundaries as it may deem advisable and shall define and establish such boundaries. Any person owning lands adjoining any of the lands described in said petition may, upon his verified application, in the discretion of the board, have his lands included within such proposed district. If said board shall determine and find from the evidence taken at such hearing that said petition complies with the law, said board shall then call an election to be held in such proposed district for the purpose of determining whether or not the same shall be organized under the provision of this act.

Publication
of notice
of hearing.

The publication hereinabove provided for shall be for at least ten consecutive times in a daily newspaper of general circulation, printed, published and circulated in the respective unincorporated territory, or, if no such newspaper is printed, published and circulated in such territory, then in such daily newspaper printed and published elsewhere in the county and deemed most likely to give notice to the electors of such territory: or for at least three consecutive times in a weekly newspaper of general circulation similarly printed, published and circulated, if there be no such daily newspaper.

CHAPTER 147.

An act validating and legalizing all proceedings in the organization, enlargement and government of Red Rock creek irrigation district.

[Approved May 10, 1923.]

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

Red Rock
creek irriga-
tion district
validated.

SECTION 1. All proceedings in the organization, enlargement and government of Red Rock creek irrigation district are hereby validated and made legal as said district is now constituted.

CHAPTER 148.

An act to amend sections three, four, five, nine, twelve, thirteen, fourteen, fifteen and seventeen of an act entitled, "An act to provide for the issuance of improvement bonds to represent and be secured by certain assessments made for the cost of certain work and improvements made in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities and upon property and rights of way owned by municipalities, to provide for the collection of such assessments, the sale of the property affected thereby and for the payment of the bonds so issued." Approved June 11, 1915, as amended.

[Approved May 9, 1923.]

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

SECTION 1. Section three of an act entitled, "An act to provide for the issuance of improvement bonds to represent and be secured by certain assessments made for the cost of certain work and improvements made in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities and upon property and rights of way owned by municipalities, and to provide for the collection of such assessments, the sale of the property affected thereby and for the payment of the bonds so issued," approved June 11, 1915, as amended, is hereby amended to read as follows:

Stats. 1917,
p. 209,
amended.

Sec. 3. Said bonds shall be issued in series and an even annual proportion of the aggregate principal sum thereof shall be payable on the second day of July every year succeeding the first ten months after their date, until the whole is paid, and the said bonds shall bear interest at a rate of not to exceed eight per cent per annum from the date of filing the unpaid assessment list with the city clerk as provided in the street work act, on all sums unpaid, until the whole of said principal sum and interest are paid, which interest shall be payable semiannually by coupon, on the second days of January and July, respectively of each year; *provided*, that the first payment of interest shall not come due till six months before the maturity of the first series of bonds. The final series or instalment of said bonds shall mature and be payable on a date which shall not exceed fourteen years from the second day of July next succeeding ten months from their date. Said bonds and interest shall be paid at the office of the city treasurer of said municipality who shall keep a redemption fund designated by the name of said bonds, into which he shall place all sums received by him from the collection of the assessments made for the payment of the cost of the work or improvements upon which the said bonds are issued and of the interest and penalties thereon and from which fund he shall disburse and pay the said bonds and the interest due thereon upon presentation of the proper bonds and coupons; and under no circumstances

Bonds payable, when and where.

Interest.

Redemption fund.

Register. shall said bonds or the interest thereon be paid out of any other fund. Said city treasurer shall keep a register in his office which shall show the series, number, date, amount, rate of interest, and last known holder of each bond, and the number and amount of each coupon of interest paid by him, and shall cancel and file each bond and coupon so paid.

Stats. 1917,
p. 210,
amended.

SEC. 2. Section four of said act, approved June 11, 1915, as amended, is hereby amended to read as follows:

Resolution
of intention.

SEC. 4. When said city council shall determine that serial bonds shall be issued hereunder to represent the expense of any proposed work or improvement under said street work act it shall so declare in the resolution of intention to do said work and shall specify the rate of interest which they shall bear. The like description of said bonds shall be inserted in the assessment issued by the superintendent of streets to the contractor. Said bond declaration may be substantially in the following form: "Notice is hereby given that serial bonds to represent unpaid assessments, and bear interest at the rate of ---- per cent per annum, will be issued hereunder in the manner provided by the improvement bond act of 1915, the last installment of which bonds shall mature ----- years from the second day of July next succeeding ten months from their date."

Stats. 1921,
p. 225,
amended.

SEC. 3. Section five of said act approved June 11, 1915, as amended, is hereby amended to read as follows:

Street super-
intendent to
file list of
unpaid
assessments.

SEC. 5. After confirmation of the assessment by the city council and after the return of the warrant attached thereto and after the filing of the statement of payments received upon the assessment by the contractor as provided in said street work act, the street superintendent shall make and file with the clerk of the city council a complete list of all assessments unpaid, upon any assessment. Said clerk shall then give notice of the filing of said list and of a time, to be therein fixed by said clerk, when interested persons may appear before the city council and show cause why bonds should not be issued upon the security of the unpaid assessments shown on said list. Such notice shall be posted for not less than five days on or near the council chamber door and be published twice in a newspaper published in such city, if there be any, the first of which publications shall be not less than five days before the time fixed for such hearing. Such notice shall also be given by mailing same to the owner of each lot listed according to the name and address appearing on the last equalized assessment roll for city taxes prior thereto, or as known to the clerk; *provided*, that a failure of the clerk to give such notice by mailing or of the person addressed to receive same shall not affect the jurisdiction of the council to proceed with the hearing noticed. Reference shall therein be made to the resolution of intention and the date of its passage for a description of the work therein mentioned and no other description thereof shall be necessary. The council shall at the date so fixed hear any objection so presented and shall pass upon the same and shall

Notice
of hearing.

Objections.

thereupon determine the assessments which are unpaid and the aggregate amount of same. If it does not so meet it may hear the matter at its first adjourned or regular meeting thereafter. It may adjourn the hearing from time to time. Its decision shall be final. The city council shall then pre-

Issuance
and delivery
of bonds.

scribe the denominations of such bonds, which shall be in convenient amounts not necessarily equal, and shall provide for issuance of same in annual series. Said bonds shall be forthwith delivered to said contractor in satisfaction of the balance due him upon his assessment and warrant.

SEC. 4. Section nine of said act approved June 11, 1915, as amended, is hereby amended to read as follows:

Stats. 1921,
p. 227,
amended.

Sec. 9. The city treasurer may advance the maturity of any bond to the second day of January or July in any year and pay and cancel the same whenever there shall be surplus moneys in the redemption fund with which to pay same, by giving notice of such redemption as herein provided. Such notice may be given in writing to the holder or owner thereof by registered mail or personal service, or it may be addressed "To whom it may concern" and be given by publication twice in a daily or weekly newspaper published in said city; *provided*, that if such notice be so given by publication or posting then a copy of same shall be mailed to the last known holder or owner thereof at his last known address at least sixty days prior to such date of advanced maturity. If the service be made personally it shall be made at least sixty days before the date fixed for advanced maturity; if by registered or other mail the mailing shall be made at least sixty days before such date; if by publication or posting the first publication or posting shall be made at least sixty days before such date. In the event of such notice being given, the maturity of such bond shall be advanced and said bond shall be deemed to mature on the date fixed for the advanced maturity of same, at which time the same shall be paid; *provided, however*, that the holder or owner of such bond may prior thereto surrender same and receive the principal thereof together with interest thereon to date of payment and together with a premium thereon equal to five per centum of the principal. On said second day of January or July fixed for advanced maturity, if said bond has not been sooner surrendered, the treasurer shall set aside to the credit of the owner of said bond the amount of principal and accrued interest then due on said bond together with such premium of five per centum of the principal, and said bond shall then be deemed to have matured and interest thereon shall thereafter cease to accrue on said bond. The amount so set aside shall on demand be paid to the holder or owner of said bond on surrender and cancellation of the same. The costs of such advertising, or other service, shall be paid from the redemption fund. More than one bond may be covered in a single notice. Prior to the surrender of any bond or the setting aside of said funds, the treasurer may waive and vacate any notice of advanced maturity upon being tendered for cancellation some other bond or bonds of an

Advanced
maturity.

Notice.

equivalent amount and of a maturity not earlier than that noticed; providing, that ten days' notice of his intention so to do shall have first been given by mail or otherwise to the holder or owner of said bond and such holder or owner shall not have objected to such action. In selecting bonds for retirement, the treasurer will choose the bond of earliest maturity that is feasible; conditioned, nevertheless, on provision being made for returning to owners releasing unpaid assessments under section fifteen hereof all interest not accrued less any premium and interest paid on bonds redeemed besides costs of publication as therein provided.

Stats. 1917,
p. 213,
amended.

Assessments
payable in
instalments.

Sec. 5. Section twelve of said act approved June 11, 1915, as amended, is hereby amended to read as follows:

Sale of
land upon
default of
payment.

Purchase
by city.

Purchase
by state.

Sec. 12. Such unpaid assessments shall be payable in annual series corresponding in number to the number of series of bonds issued and an even annual proportion of each assessment shall be payable in each year preceding the date of maturity of each of the several series of bonds so issued. Such annual proportion of each assessment coming due in any year, together with the annual interest on such assessment, shall in turn be payable in annual or semiannual instalments according as the general municipal taxes of such city on real property are payable in annual or semiannual instalments, and such instalments and said annual interest shall be payable and become delinquent at the same times and in the same proportionate amounts and bear the same proportionate penalties and interest after delinquency as to the general municipal taxes on real property of said city. Upon default in payment, the lands securing such instalments and assessments shall be sold in the same manner in which real property in such city is sold, for the nonpayment of general municipal taxes, and be subject to redemption within one year from date of sale in the same manner as such real property is redeemed from such delinquent sale, and upon failure of such redemption shall in like manner pass to the purchaser. The city may be the purchaser at any delinquent sale in like manner in which it becomes or may become the purchaser of property sold for nonpayment of the general municipal property tax, and in the event of its so becoming the purchaser shall pay and transfer into said redemption fund the amount of the delinquent assessment and of the delinquent interest thereon upon which said sale is made. In cases where the municipal property tax is collected by county or city and county officials and sales for nonpayment of such taxes are made to the state, the state shall be the purchaser at any such sale hereunder, but shall hold the title acquired at such sale upon behalf of the city and shall account to the city for any moneys received upon redemption or from the sale of such property, the city for the purposes of this act being deemed the real purchaser. In other cases where under the law the city is not always the purchaser at sales for delinquent municipal taxes, the city shall become such purchaser

at any delinquent sale hereunder where there is no other purchaser. In the event of there being no available funds in the treasury with which to make such payment, the tax collector shall delay the entry of the certificate of sale until such funds are available, making demand in the meantime upon the city council that a suitable amount be included in the next tax levy for the purpose of providing funds with which to make such payment; *provided, however*, that the period of redemption from such tax sale shall not be extended thereby nor the rights or privileges of the property owner be thereby in any wise affected. In the event of such purchase being made by the city and of any succeeding instalment of such assessment or of such interest not being paid in any future year, the property shall not be sold unless there has previously been a redemption from such sale or unless under the law it is then being sold for delinquent taxes. The city shall nevertheless, unless a resale has been made by it, from time to time when due pay and transfer into said redemption fund the amount of any such future delinquent assessment and interest pending redemption, and no redemption shall be made until any such subsequent payments, with interest and penalties, shall also be paid. The purchaser, whether at tax collector's sale or at resale by the city in the event of the city having become the purchaser, or at foreclosure sale by order of court, shall take the property subject to all unpaid instalments, interest and penalties under the same proceeding and to all public improvement assessments which may have priority thereover.

Sec. 6. Section thirteen of said act, approved June 11, 1915, as amended, is hereby amended as follows:

Stats. 1921,
p. 220,
amended.

Sec. 13. (a) Interest on all unpaid assessments shall begin to run from the date of filing of the contractor's statement, or as otherwise provided in said street work act and shall be computed at the same rate specified in the bonds secured by such assessments. Such interest shall be payable annually or semiannually as above provided, according as such general municipal taxes on real property in such city are payable annually or semiannually, but shall for each year be computed and collected up to the next second day of July succeeding, no deduction being made by reason of any instalment of such assessment being due or paid prior thereto in such year.

Interest
on unpaid
assessments.

(b) Wherever it shall appear to the council that, according to the dates when taxes are collected in any city, there will be an insufficient amount on hand to pay the interest when due, according to the method of collection provided by the preceding provisions of this act, then said council may direct that such interest or some portion of same be collected in the year preceding that in which the same would otherwise be collected under this act, and thereupon such interest or portion thereof shall be extended on the rolls for such preceding year and be due and collected therein.

When to be
collected.

Stats. 1931,
p. 229,
amended.

Entry of
unpaid
assessments
on tax rolls.

Payment
under
protest.

Prorating of
assessments
upon sub-
division of
land.

SEC. 7. Section fourteen of said act amended June 11, 1915, as amended, is hereby amended as follows:

Sec. 14. (a) A copy of the order of the council determining the assessments remaining unpaid and upon the security of which bonds are issued shall be filed in the office of the auditor. The auditor shall keep a record in his office showing the several instalments of principal and interest on said assessments which are to be collected in each year during the term of said bonds. The auditor shall annually enter in his assessment roll on which taxes will next become due, opposite each lot or parcel of land affected in a space marked "public improvement assessment," or by other suitable designation, the several instalments of such assessment coming due during the fiscal year covered by such assessment roll, including in each case the interest due on such total unpaid assessments as herein provided, and also including a percentage of one-fourth of one per cent of the amount of such instalments and of such interest so entered. Such percentages when collected shall belong to the city or county and shall cover the expenses and compensation of the city or county treasurer incurred in the collection of such assessments, and of the interest and penalties thereon. No other percentage shall be claimed for any such collections. In the event that such collections are made by the county officials the county auditor shall at the close of the tax collecting season promptly render to the city auditor a detailed report showing the amounts of such instalments, interest, penalties and percentages so collected on each proceeding and from what property collected, and also giving a statement of the percentages retained for the expenses of making such collections. Taxpayers shall have the like right to pay such assessment as so entered with interest, and any penalties thereon, under protest as they have to pay general municipal taxes under protest, but in making such payment under protest must accompany the payment with their written protest. In the event of the lot or parcel of land affected by any assessment not being separately assessed on said roll so that the instalment to be collected can be conveniently entered thereon, then said auditor shall enter on said roll a description of the lot or parcel affected, with the name of the owners if known, but otherwise described as "unknown owners," and extend the proper instalment opposite same.

(b) In the event of a subdivision of the lot or parcel affected into separate holdings, the owners of same may in writing request the auditor to separate the instalments according to some fixed proportions to be stated by them and to enter same in said roll opposite their respective holdings in accordance therewith. Such owners shall in connection therewith in writing waive objections to the proceeding and to the method of collecting assessments proposed by them and agree to pay future instalments in accordance therewith. Thereafter the auditor shall enter such instalments opposite the respective lots or parcels of land in the proportions agreed upon; *provided, however*, such division of the instalments shall not be

so disproportioned to the relative values of the separate holdings of land as to jeopardize the security of the assessments.

Sec. 8. Section fifteen of said act, amended June 11, 1915, as amended, is hereby amended to read as follows:

Stats. 1921,
p. 230,
amended.

Sec. 15. Any interested owner may release and pay any such unpaid assessment by depositing with the city treasurer the total unpaid balance of any such assessment together with the total interest which would become due on such assessment were it paid in the regular way; *provided*, that if the amount of same be sufficient to provide surplus moneys with which to redeem any bond outstanding and not due the next second day of July, then such person so releasing such assessment may direct the treasurer to redeem such bond, and the treasurer shall then give the proper notice for redeeming such bond, by advancing its maturity as hereinbefore provided upon which redemption the person releasing such assessment shall be entitled to credit and reimbursement for the par value of any coupons thereon which shall be canceled but not paid less any accrued interest paid thereon and less the premium paid on said bond as hereinbefore provided, and less any costs incurred for publishing or serving any notice of redemption.

Release of
assessments

Sec. 9. Section seventeen of said act, approved June 11, 1915, as amended, is hereby amended to read as follows:

Stats. 1921,
p. 232
amended.

Sec. 17. (a) In the event of sale by the tax collector of any lot or parcel of land for nonpayment of taxes and of any instalment of the assessment thereon, or of the penalties, interest or costs on same, or for nonpayment of any instalment, penalties, interest or costs, then any certificate of such sale and deed issued pursuant thereto, is primary evidence of the regularity of all proceedings theretofore had, and shall be conclusive evidence of all things of which bonds issued upon the security thereof are conclusive evidence, and prima facie evidence of the regularity of all proceedings subsequent to the issuance of the bonds, and such deed conveys to the grantee the absolute title to the lands described therein, free of all incumbrances, except the lien for other state, county and municipal taxes and unpaid instalments, interest and penalties under the same proceeding and except all public improvement assessments which may have priority thereover.

Effect of
certificate
of sale
and deed

(b) Upon application by the city council or of any holder or interested party, the superintendent of banks shall examine into the regularity of the issuance of said bonds and relative to the sufficiency of the security provided for the payment thereof and if satisfied therewith may certify the same as suitable for investment by savings banks and trustees whereupon the same may be so used for investment of savings deposits and trust funds. The cost of any required appraisal may on approval of the city council be paid out of any surplus moneys in the redemption fund not required for the payment of the interest or principal of said bonds.

Bonds as
investments
for savings
banks

CHAPTER 149.

An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, avenues, highways, lanes, alleys, courts and places in the unincorporated territories of counties, for the condemnation of property necessary or convenient for such purposes, for the establishment of assessment districts, and the assessment of property therein to pay the expense of such improvements, for the issuance of improvement bonds to represent assessments for the expense of such improvements, and for the effect and enforcement of such bonds.

[Approved May 11, 1923.]

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

Power of supervisors to open streets, etc., in unincorporated territory.

SECTION 1. Whenever the public interest or convenience may require the board of supervisors of each county of this state shall have full power and authority to order the laying out, opening, extending, widening, or straightening, in whole or in part, of any public street, avenue, highway, lane, alley, court or place, within the unincorporated territory of such county, and to acquire any and all property necessary or convenient for that purpose, and to cause to be done and performed any work of the character mentioned in that act of the legislature known as the "street opening act of 1903" as amended, and as the same shall hereafter be amended, which work and improvement shall be done in accordance with the procedure and in pursuance of the provisions of said act as amended, and as the same shall hereafter be amended, and the provisions of said act, as amended and as the same shall hereafter be amended, are hereby adopted by reference for the purposes of this act; *provided*, that certain words used in said act, which is adopted by reference herein, shall, for the purposes of this act, be construed as follows: the words "city" and "municipality" shall be construed as referring to "county," the words "city council" as referring to "board of supervisors," the words "clerk," "city clerk" and "clerk of the city council" as referring to "county clerk" (ex officio clerk of the board of supervisors), the words "street superintendent" and "city engineer" as referring to "county surveyor"; *provided, however*, that the board of supervisors may appoint any competent person, with such compensation as shall be fixed in its resolution of intention, or any county officer, other than the county surveyor, as the person or officer to perform all or any portion of the duties conferred upon the street superintendent or city engineer in said act (provided that where said act requires any things or acts to be "done" and "delivered" by the city engineer to the street superintendent, it shall be sufficient if said things or acts are done by the county surveyor or such other person or officer as the board of supervisors shall appoint to perform said acts, without the necessity of their being "delivered" to any other offi-

cer), the words "treasurer" and "city treasurer" as referring to "county treasurer," the words "city attorney" as referring to "district attorney," except that in counties having a freeholders' charter creating the office of county counsel, the words "city attorney" shall be construed as referring to "county counsel," and all other words relating to municipal officers or matters shall be construed as referring to the corresponding county officers or matters under this act.

SEC. 2. As to all acts or proceedings required under said act adopted by reference herein to be had and taken by an ordinance passed by the city council, it shall be sufficient for the purposes of this act that all such acts and proceedings may be had and taken by a resolution adopted by the board of supervisors of the county. Effect of resolution.

SEC. 3. The board of supervisors may, in its discretion, order and declare that the whole or any part of the cost and expenses of the improvements authorized in this act be paid from the general fund of the county or general road fund of the county, or from the road district fund of the road district in which said improvement is to be made, in which case it shall be so stated in its resolution declaring its intention of ordering the improvement to be made. Payment of cost and expenses.

SEC. 4. The board of supervisors may, in its discretion, at or before the time of the confirmation of any assessment or assessment roll in proceedings had and taken under this act, determine that improvement bonds may issue to represent such assessments which determination shall be made by resolution of said board, all in accordance with that act of the legislature entitled, "An act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds," approved April 27, 1911, as amended and as the same shall hereafter be amended, and all proceedings therefor shall be had and taken in accordance with the procedure and in pursuance of the provisions of said act as amended and as the same shall hereafter be amended, and the provisions of said act as amended and as the same shall hereafter be amended are hereby adopted by reference for the purposes of this act; *provided*, that certain words used in said act which is adopted by reference herein shall for the purposes of this act be construed as follows: the words "street opening act of 1903" shall be construed as referring to "county street opening act of 1923," the words "city" and "municipal corporation" as referring to "county," the words "city council" as referring to "board of supervisors," the words "superintendent of streets" as referring to "county surveyor," the words "city clerk" as referring to "county clerk," the words "city treasurer" as referring to "county treasurer," and all other words relating to municipal officers or matters as referring to the corresponding county officers or matters under this act. Improvement bonds, issuance of.

Construction
of act.
Title.

SEC. 5. The provisions of this act shall be liberally construed to effect the objects thereof. This act may be designated and referred to as the "county street opening act of 1923."

CHAPTER 150.

An act to amend section one of an act entitled "An act defining public weighmaster; describing his duties; providing for rules and regulations governing the performance of his duties; prescribing a bond and fixing the amount thereof; and providing penalties for any violation of the provisions of this act," approved June 8, 1915, as amended, providing for the payment of a license fee.

[Approved May 11, 1923.]

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

Stats. 1921,
p. 908,
amended.

SECTION 1. Section one of an act entitled "An act defining public weighmaster; describing his duties; providing for rules and regulations governing the performance of his duties; and providing penalties for any violation of the provisions of this act," approved June eight, one thousand nine hundred fifteen, as amended, is hereby amended to read as follows:

Public
weighmaster.

Section 1. All persons, firms, corporations, copartners, or individuals engaged in the business of public weighing for hire, or any person, firm, or corporation who shall weigh or measure any commodity, produce, or article, and issue therefor a weight certificate which shall be accepted as the accurate weight upon which the purchase or sale of such commodity, produce, or article is based shall be known as a public weighmaster, and shall file a bond with the state superintendent of weights and measures (department of agriculture) in the sum of one thousand dollars for the faithful performance of his duties, and shall pay a license fee of ten dollars per annum to the state superintendent of weights and measures (department of agriculture) and shall obtain from the state superintendent of weights and measures (department of agriculture) a seal for the stamping of weight certificates hereinafter provided for, which shall only be in such form as such superintendent (department of agriculture) may prescribe.

Bond.

Seals.

(a) The said seals shall be the property of the state and shall be forfeited and returned to the state superintendent of weights and measures (department of agriculture) upon termination of the performance of the duties herein prescribed as being the duties of a public weighmaster. Such seal shall be of a form and design prescribed by the state superintendent (department of agriculture) and furnished by him at the expense of the weighmaster. Said seal shall be a recognized authority of accuracy when applied to weight certificates. Nothing in this act contained shall be construed as applying to persons maintaining scales in villages or country districts for weighing farm products for hire, where such

Exceptions.

person does not carry on regularly the business of weighing for hire and any person so maintaining any such scales for such purpose shall not be construed to be a "public weigh-master" within the meaning of this act.

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

CHAPTER 151.

An act to add a new section to the Political Code to be numbered three thousand four hundred eighty and one-half, authorizing the governing boards of reclamation districts to hire a clerk.

[Approved May 11, 1923.]

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

SECTION 1. A new section is hereby added to the Political Code, to be numbered three thousand four hundred eighty and one-half, to read as follows:

3480½. No officer shall charge or receive any fee for any service required to be performed by him under the provisions of section three thousand four hundred fifty-seven, three thousand four hundred sixty-six and three thousand four hundred eighty of the Political Code, but reasonable and necessary expense actually incurred by any county treasurer in carrying out the provisions of these sections relating in any manner to the registration and payment of warrants or to the collection of assessments, shall be paid out of the funds of the several reclamation or swamp land districts of the county as herein provided.

Statutory fees not to be charged.

Expense allowed.

The board of trustees of every district issuing warrants or levying or collecting assessments must employ a clerk to attend to matters pertaining to such registration and payment of warrants and to the levying and collecting of assessments. Such clerk shall work under the direction of the county treasurer of the county within which the district or districts or the greater part of each thereof is situated, and shall receive as compensation for his services a yearly sum equal to one and one-half cents per acre based on the net acreage of each district as indicated by the records of the state reclamation board; *provided*, every district having outstanding bonds or which shall hereinafter issue bonds shall pay to such clerk three cents per acre. If the net acreage of any district is not obtainable from the records of the state reclamation board the compensation of such clerk shall be based on the acreage of the district as shown by the records of the county clerk of the county in which the district or the greater part thereof is situate. The trustees of each district upon presentation of a proper claim must semi-annually draw a warrant on the funds of their respective districts for such clerk hire. Every such claim must be approved by the county treasurer of the county in which the district or districts or the greater part of each

Board to employ clerk

Compensation.

thereof is situated, and in the event that the board of trustees of any district shall neglect or refuse to draw a warrant based upon such claim ten per cent of the amount of such claim shall be added thereto and thereafter two per cent per month shall be added to such claim until a warrant shall have been issued as herein provided.

CHAPTER 152.

An act to amend sections twelve, fifteen, twenty-one and twenty-two of an act entitled "An act to provide for the incorporation and organization and management of county water districts and to provide for the acquisition of water rights or construction thereby of water works and for the acquisition of all property necessary therefor, and, also, to provide for the distribution and sale of water by said districts," approved June 10, 1913, as amended.

[Approved May 11, 1923.]

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

Stats. 1919,
p 817,
amended.

SECTION 1. Section twelve of an act entitled "An act to provide for the incorporation and organization and management of county water districts, and to provide for the acquisition of water rights or construction thereby of waterworks and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts," approved June 10, 1913, as amended, is hereby amended to read as follows:

Powers of
district.

Sec. 12. Any county water district incorporated as herein provided, shall have power:

Sue and
be sued.

1. To have perpetual succession;
2. To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction;

Adopt seal.
Hold
property.

3. To adopt a seal and alter it at pleasure;
4. To take by grant, purchase, gift, devise, or lease; to hold, use, enjoy, and to lease or dispose of real and personal property of every kind, within or without the district, necessary to the full exercise of its powers:

Acquire
waterworks.

5. To construct, purchase, lease or otherwise acquire waterworks and other works and machinery, canals, conduits and reservoirs, and to purchase, lease or otherwise acquire water rights, storage sites, water sheds, lands, rights and privileges, useful or necessary to convey, supply, store or otherwise make use of water for irrigation, power or other useful purposes, and to operate and maintain such water rights, waterworks, canals, conduits, reservoirs, storage sites, water sheds, works, machinery, lands, rights and privileges for the uses aforesaid for the benefit of the district;

Store water.

6. To store water for the benefit of the district; to conserve water for future use; to appropriate, acquire and conserve water and water rights for any useful purpose; to commence,

maintain, intervene in and compromise, in the name of the district, and to assume the costs of any action or proceeding involving or affecting the ownership or use of waters or water rights within the district used or useful for any purpose of the district or a benefit to any land situated therein; to commence, maintain, intervene in, defend and compromise actions and proceedings to prevent interference with or diminution of the natural flow of any stream or natural subterranean supply of waters used or useful for any purpose of the district or a common benefit to the lands within the district or its inhabitants; and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger the inhabitants or lands of the district;

7. To lease of and from any person, firm, or public or private corporation, with the privilege of purchase, or otherwise, existing water rights, waterworks, canals, or reservoir systems; and to carry on and maintain the same; also to sell water, or the use thereof, for irrigation, power, or other useful purposes, and whenever there is a surplus, sell, or otherwise, dispose of the same, to municipalities, or towns, or to consumers, located within or without the boundaries of the district;

8. To have and exercise the right of eminent domain in the manner provided by law for the condemnation of private property for public use, to take any property necessary to supply the district or any portion thereof with water, whether such property be already devoted to the same use or otherwise, and may condemn any existing water rights, canals, reservoirs, storage sites, water sheds, waterworks or systems, or any portion thereof owned by any person, firm or corporation; *provided*, that property and water rights of municipal corporations shall not be subject to the provisions of this section. In proceedings relative to the exercise of such right, the district shall have the same rights, powers and privileges as a municipal corporation;

9. To cooperate and contract with the United States, under the federal reclamation act of June 17, 1902, and all acts amendatory thereof or supplementary thereto, or any other act of congress heretofore or hereafter enacted, authorizing or permitting such cooperation or contract for purposes of construction of works, whether for irrigation, drainage, flood control or for the development of electric or other power, or for the acquisition, purchase, extension, operation or maintenance of such works, or for a water supply, or for the assumption as principal or guarantor of indebtedness to the United States, and to carry out and perform the terms of any contract so made;

10. To borrow money and incur indebtedness and to issue bonds or other evidences of such indebtedness; also to refund or retire any indebtedness or lien that may exist against the district or property thereof;

Levy taxes.

11. To cause taxes to be levied for the purpose of paying any obligation of the district and to accomplish the purposes of this act in the manner herein provided;

Make contracts.

12. To make contracts, to employ labor and to do all acts necessary for the full exercise of the foregoing powers.

Stats 1913,
p 1060,
amended
Bonded in-
debtedness.

SEC. 2. Section fifteen of said act approved June 10, 1913, as amended, is hereby amended to read as follows:

Election.

Sec. 15. Whenever the board of directors deem it necessary for the district to incur a bonded indebtedness, it shall by a resolution so declare and state the purpose for which the proposed debt is to be incurred, the land within the district to be benefited thereby, the amount of debt to be incurred, the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed forty years, and the maximum rate of interest to be paid, which shall not exceed seven per cent per annum, and the proposition to be submitted to the electors. The board of directors shall fix a date upon which an election shall be held for the purpose of authorizing said bonded indebtedness to be incurred. It shall be the duty of the board of directors to provide for holding such special election on the day so fixed, in accordance with the general election laws of the state, so far as the same shall be applicable, except as herein otherwise provided. Such board of directors shall give notice of the holding of such election, which notice shall contain the resolution adopted by the board of directors of the water district, boundaries of voting precincts, which shall include therein only the lands to be benefited, as stated in such resolution, the location of polling places, and the names of the officers selected to conduct the election, who shall consist of one judge, one inspector and two clerks in each precinct. Such notice shall be published for two weeks in at least one newspaper and not more than three newspapers published in such water district, which newspaper or newspapers shall be designated by the board of directors; and if there is no newspaper printed in such water district, then by posting such notice in three public places therein. Every qualified elector residing within such voting precincts, but no others, shall be entitled to vote at such election. All the expenses of holding such election shall be borne by the district. The returns of such election shall be made to and the votes canvassed by said board of directors on the first Monday following said election, and the results thereof ascertained and declared in accordance with the general election laws of the state, so far as they may be applicable, except as herein otherwise provided. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of such board a statement of such results. No irregularities or informalities in conducting such election shall invalidate the same, if the election shall have otherwise been fairly conducted. In all respects not otherwise provided for herein, said election shall be called, managed and directed as is by law provided for general elections in

Notice.

Publication.

Canvass
of returns.

this state applicable thereto, except as herein otherwise provided.

SEC. 3. Section twenty-one of said act, approved June 10, 1913, as amended, is hereby amended to read as follows:

Stats. 1915,
p. 20,
amended.

Sec. 21. If, from any cause, the revenues of the district shall be inadequate to pay the interest or principal of any bonded debt as it becomes due or any other expenses or claims against the district, then the board of directors must, at least fifteen days before the first day of the month in which the board of supervisors of the county or city and county in which such water district is located is required by law to levy the amount of taxes required for county or city and county purposes, furnish to the board of supervisors and to the auditor, respectively, an estimate in writing of the minimum amount of money required by the district for the payment of the principal or interest on any bonded debt as it becomes due, together with a description of the lands benefited thereby, as stated by the board of directors in the resolution declaring the necessity to incur such bonded indebtedness, and also of the minimum amount of money required by the district for any other purpose in this section set forth, and the board of supervisors of such county or city and county must annually, at the time and in the manner of levying other county or city and county taxes and until any such bonded debt is fully paid, levy upon the lands so benefited and cause to be collected, a tax sufficient for the payment thereof to be known as the "-----county water district bond tax"; and until all other expenses or claims are fully paid, levy upon all of the lands of the district and cause to be collected a tax sufficient for the payment thereof to be known as the "-----county water district water tax."

Supervisors
to levy
water taxes.

SEC. 4. Section twenty-two of said act approved June 10, 1913, as amended, is hereby amended to read as follows:

Stats. 1913,
p. 1062,
amended.

Sec. 22. Such taxes for the payment of any such bonded debt shall be levied on the property benefited thereby, as stated by the board of directors in the resolution declaring the necessity therefor, and all taxes for other purposes shall be levied on all property in the territory comprising the district. All such taxes shall be collected at the same time and in the same manner and form as county taxes are collected, and when collected shall be paid to the district for which such taxes were levied and collected. Such taxes, if for the payment of a bonded debt, shall be a lien on all the property benefited thereby, as so stated in the resolution of the board of directors aforesaid, and all taxes for other purposes shall be a lien on all the property in the territory comprising the district: and said taxes, whether for the payment of a bonded indebtedness or for other purposes, shall be of the same force and effect as other liens for taxes, and their collection shall be enforced by the same means as provided for in the enforcement of liens for state and county taxes.

Levy and
collection
of tax.

CHAPTER 153.

An act prohibiting the public wearing under certain conditions of masks or other means of concealment of the identity of persons and prescribing penalties for the violation hereof.

[Approved May 10, 1923.]

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

Masks,
wearing of
prohibited
when.

SECTION 1. It shall be unlawful for any person, either alone or in company with others, to appear on any street or highway, or in other public places or any place open to view by the general public, with his face partially or completely concealed by means of a mask or other regalia or paraphernalia, with intent thereby to conceal the identity of such person; *provided, however*, that this act shall not be construed to prohibit the wearing of such means of concealment in good faith for the purposes of amusement, entertainment or in compliance with any public health order.

Penalty.

SEC. 2. Every person violating any of the provisions of this act shall be deemed guilty of a misdemeanor.

CHAPTER 154.

An act to enable municipal corporations to sell, lease, or otherwise transfer the control or management of waterworks or parts thereof belonging to such municipality to municipal water districts.

[Approved May 15, 1923.]

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

Ordinance
transferring
waterworks
system to
municipal
water
district.

SECTION 1. Whenever any city, town, or city and county lies wholly within the boundaries of any municipal water district which is engaged in the supply of water to its inhabitants for domestic and general purposes, and such city, town, or city and county owns or operates a waterworks system of its own, or any portion of such waterworks system, and the legislative body of such city, town, or city and county shall determine that it is for the best interests of said city, town, or city and county to sell, lease, or otherwise transfer the control or management of such waterworks system or portion thereof to such municipal water district, such legislative body shall, by a four-fifths vote of all its members, pass an ordinance, authorizing such sale, lease, or other transfer, which said ordinance shall specify the price to be paid, or the yearly or monthly rental to be charged, or if the transfer and control thereof is to be made upon terms, such ordinance shall briefly state such terms, and shall also state such conditions and stipulations as the said legislative body shall determine to be necessary to a proper understanding of the transaction, and may refer to the proposed form of contract for further particulars. Said ordinance shall be published by at least four insertions in a news-

Publicat. on.

paper published in such city, town, or city and county, such insertions to be a week apart, or if there be no such newspaper, then said ordinance shall be posted in three public places in such city, town, or city and county, for a period of three weeks. Said ordinance shall be subject to a referendum in the same manner as other ordinances, and in case no referendum is had within the time required by law for such referendum, shall take effect as provided therein. Referendum.

SEC. 2. The said sale, lease, or transfer on terms shall be for a valuable consideration, to be agreed upon between the legislative body of such city, town, or city and county and the board of directors of such municipal water district, and shall be executed on behalf of the city, town, or city and county by the mayor thereof or the president of the legislative body thereof, and if the transaction be a sale, either for cash or after the completion of installment payments, shall convey to such municipal water district the full title to all municipal property described in the instrument of sale. Consideration.

SEC. 3. In case the said city, town, or city and county, or any taxpayer, or other person on behalf thereof, or any person having an interest in the transaction, shall, for the purpose of setting the same aside, or avoiding the same, bring any action or proceeding in any court whatsoever, no judgment in said action or proceeding shall be given or entered unless the same provides for the restoration to the municipal water district of the consideration paid for such waterworks in case such transfer is by said judgment set aside or avoided, and such municipal water district shall not be compelled to surrender possession of such waterworks until such consideration is restored. Action to set aside transfer.

Return of consideration.

CHAPTER 155.

An act to provide for the survey and creation of camp sites on state lands.

[Approved May 15, 1923.]

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

SECTION 1. Whenever, in his judgment, any of the public lands of the State of California, are desirable for recreational purposes as camp sites, the surveyor general is hereby authorized and empowered to withdraw said lands from public sale, and to lease the same in accordance with the provisions of this act. All such leases shall be executed by the surveyor general on behalf of the State of California. Surveyor general to lease state lands for camp sites.

SEC. 2. Before leasing any land as camp sites the surveyor general shall cause said land to be surveyed and subdivided into parcels convenient for camp site purposes, with convenient spaces left for public roadways, walks and trails, and shall make a plat of such survey and subdivision. Such plat shall be filed in his office and constitute a public record, and shall be the official plat of such camp site. Survey and subdivision.

Plat

Application for lease.	SEC. 3. Any person, firm or corporation desiring to lease a portion of such camp site not already leased must make application in writing therefor to the surveyor general, describing the parcel sought to be leased by reference to the official plat.
Fee.	The application must be accompanied by a filing fee of five dollars.
Limitation.	SEC. 4. No person, firm or corporation shall be permitted to hold more than one lease in any one camp site. No lease shall be made for more than one parcel, as described on the official plat.
Rental.	SEC. 5. Upon receipt of an application to lease any of the lands under this act the surveyor general shall appraise such lands and fix the annual rental therefor; such charge to be approved by the state board of control.
Execution of lease.	SEC. 6. Whenever any lease is delivered to the applicant by the surveyor general the lessee shall within fifteen days thereafter, execute and return such lease to the surveyor general and make payment of the first annual rental. The surveyor general shall receive the money and give a receipt therefor. All subsequent annual payments of rental must be paid to the surveyor general in like manner within fifteen days after they become due. In case payments are not made as herein provided, the lease and all rights thereunder shall cease and terminate.
Payment of rent.	
Building permits	SEC. 7. Before placing any building, structure or other improvement on the land leased, the lessee shall file with the surveyor general a statement of the nature of the proposed building, structure or improvement, and obtain from the surveyor general a permit to erect the same. All such buildings, structures and improvements shall include adequate and proper means for the disposal of sewage and other waste matter in accordance with such rules and regulations as the surveyor general may from time to time prescribe.
Sewage disposal facilities necessary before occupancy.	SEC. 8. It shall be unlawful and shall constitute a breach of any lease executed under the provisions of this act for any lessee to occupy, or to permit any person to occupy, the land leased by him until adequate and proper means for the disposal of sewage and other waste matter have been installed on said leased land in accordance with law and the rules and regulations of the surveyor general. Every lease made under this act shall contain provisions for the disposal of sewage and other waste matter. The word "occupy", as used in this act shall mean to dwell upon for a period of time in excess of twenty-four hours.
Sewage disposal	SEC. 9. All privies and cesspools placed on said lands shall be situated at least one hundred feet from any stream, and the vault of the same shall be at least three feet deep; <i>provided, however,</i> that when it is impracticable to construct such privy or vault one hundred feet from a stream, lessee may, with the consent of the surveyor general in writing first obtained, place such privy or vault at a lesser distance from said stream, but in such case the privy or vault shall be made of concrete, and the sides and bottoms thereof shall be water

tight. The sidewalls of all privies and vaults shall extend at least one foot above the surface of the ground. The privy shall be disinfected with chloride of lime or an equivalent disinfectant at least once a week when the premises are occupied. The privy closet shall be made fly-tight, the door thereof shall have hinges and a lock, and the seat shall have an automatic self-closing cover. The space between the vault and the outside of the building shall be made fly-tight.

Disinfection.

Exclusion of flies.

SEC. 10. All garbage, paper, cans and other refuse shall be burned or buried daily.

Refuse disposal.

SEC. 11. No building shall be erected on said camp sites within 10 feet of the bank of any stream.

Building near stream.

SEC. 12. The surveyor general is hereby authorized to prescribe necessary and proper rules and regulations and to do any and all things necessary to carry out and accomplish the purpose of this act.

Rules and regulations.

SEC. 13. All moneys received as rental for such lands above mentioned shall be paid into the state school fund.

Disposal of rentals.

SEC. 14. No lease made under the provisions of this act shall be for a period of more than twenty years.

Time limitation.

SEC. 15. The surveyor general shall have the power at any time to cancel any lease under this act for failure or neglect on the part of the lessee to keep the premises leased in a sanitary condition, or for immoral conduct on said premises on the part of said lessee or permitted thereon by him.

Cancellation of lease.

SEC. 16. Any person, firm or corporation, who enters upon or who has entered upon any land that has been withdrawn as a camp site under the provisions of this act is guilty of a trespass, and any improvements placed on such land by such trespasser is hereby declared forfeited to the state, and the surveyor general is hereby authorized and empowered to grant a lease of such lands to any qualified applicant; *provided, however*, that the surveyor general may, and he is hereby expressly authorized to grant a lease to any person, firm or corporation, who at the time of the passage of this act shall have been an actual occupant of any part of any such camp site for at least six months, and shall apply for a lease for the part of said camp site so occupied by him within thirty days after demand shall have been made upon him by the surveyor general to make application for a lease in accordance with the provisions of this act. Notice of such demand shall be given by posting a copy thereof in a conspicuous place on the premises so occupied.

Trespassers.

Leases to occupants.

SEC. 17. Upon the expiration of any lease made under the provisions of this act, the lessee shall be permitted to remove from the leased premises all improvements placed thereon by him; *provided, however*, that he shall first have made payment in full to the State of California of all money due under the terms of his lease.

Removal of improvements.

CHAPTER 156.

An act to amend section three hundred sixty e of the Political Code relating to records.

[Approved May 15, 1923.]

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

SECTION 1. Section three hundred sixty e of the Political Code is hereby amended to read as follows:

Records, etc.

360e. The department of finance shall also be in possession and control of all records, books, papers, offices, equipment, supplies, moneys, funds, appropriations, land and other property, real or personal, now or hereafter held for the benefit or use of all of said bodies, offices and officers mentioned in this article, and the title to all property now or hereafter held by any of said bodies, offices or officers, for the use and benefit of the state is hereby transferred to the State of California to be held in the possession of said department. The motor vehicle division of the department of finance shall have power to destroy the registration records of motor vehicles when such records have been in the custody of the division for a period of over four years.

Title to property.

CHAPTER 157.

An act to amend section fifteen of an act entitled "An act to provide for the payment of retirement salaries to public school teachers of this state; creating a public school teachers' retirement salary fund, and also a public school teachers' permanent fund, providing for the administration of such funds, and making an appropriation for the uses of said funds, approved June 16, 1913, as amended.

[Approved May 15, 1923.]

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

Stats. 1921,
p. 1638,
amended.

SECTION 1. Section fifteen of an act entitled "An act to provide for the payment of retirement salaries to public school teachers of this state; creating a public school teachers' retirement salary fund, and also a public school teachers' permanent fund, providing for the administration of such funds, and making an appropriation for the uses of said funds," approved June 16, 1913, as amended, is hereby amended to read as follows:

Service in
certain state
schools.

Sec. 15. Service of a teacher in the California Polytechnic School with a valid certificate or a teacher with or without a certificate in a state normal school, or the California School for the Deaf and the Blind, who holds a valid teachers' certificate when this amendment goes into effect or who may thereafter secure a state teachers' certificate shall be equivalent to service under legal certificate in a day or evening school, and the time of said service in the California Poly-

technic School, state normal school, or the California School for the Deaf and the California School for the Blind, and those with similar experience obtained in state schools outside of California, shall be reckoned in determining the right of retirement salaries under the provisions of sections thirteen and fourteen of this act.

CHAPTER 158.

An act to amend sections one thousand five hundred eighty-six and one thousand five hundred eighty-seven of the Penal Code, relating to the government of state prisons.

[Approved May 15, 1923.]

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

SECTION 1. Section one thousand five hundred eighty-six of the Penal Code is hereby amended to read as follows:

1586. All convicts may be employed by authority of the board of directors, under charge of the wardens respectively and such skilled foremen as he may deem necessary in the performance of work for the state, or in the manufacture of any article or articles for the state, or the manufacture of which is sanctioned by law. At San Quentin such needlework as the women prisoners may make from time to time may be sold. The money received from the sale of said needlework shall be paid to the warden and placed to the credit of the woman who made the same. Upon the release of such woman the money shall be paid to her. At Folsom after the completion of the dam and canal the board may commence the erection of structures for jute manufacturing purposes. The board of directors are hereby authorized to purchase from time to time such tools, machinery, and materials, and to direct the employment of such skilled foremen as may be necessary to carry out the provisions of this section, and to dispose of the articles manufactured, and not needed by the state, for cash, at private sale, in such manner as provided by law.

Employment
of convicts
and foremen.

SEC. 2. Section one thousand five hundred eighty-seven of the Penal Code is hereby amended to read as follows:

1587. In the treatment of the prisoners the following general rules shall be observed:

Treatment
of prisoners.

First. Each convict shall be provided with a bed of straw or other suitable material, and sufficient covering of blankets, and shall be supplied with garments of coarse, substantial material, of distinctive manufacture, and with sufficient plain and wholesome food of such variety as may be most conducive to good health.

Second. No punishment shall be inflicted except by the order and under the direction of the wardens.

Third. The warden shall keep a correct account of all money and valuables upon the prisoner when delivered at the prison, and shall pay the amount, or the proceeds thereof, or

return the same to the convict when discharged or to his legal representative in case of his death; and in the case of the death of such convict without being released, if no legal representative shall demand such property within five years, the same shall be paid into the state prison fund.

Fourth. The rules and regulations prescribing the duties and obligations of the prisoners shall be printed and hung up in each cell and shop.

Entitled to
money, etc.,
upon dis-
charge.

Fifth. Each convict, when he leaves the prison, shall be supplied with the money taken from him when he entered, and which he has not disposed of, together with any sum which may have been earned by him for his own account, allowed to him by the state for good conduct or diligent labor, or may have been presented to him from any source; and, in case the prisoner has not funds sufficient for present purposes, he shall be furnished with five dollars in money, a suit of clothes, costing not more than ten dollars, and his fare by the cheapest route to the place where sentenced from, if the prisoner desires to return there, or to any other place of the same cost for transportation; and he shall be entitled, if he so elect, to immunity from having his hair cut, or from being shaved, for three calendar months immediately prior to his discharge. It shall not be lawful for the officers of the prison to furnish, or permit to be furnished, to any one, for publication, the name of any prisoner about to be discharged. When the warden, and such other officers as may be designated by the directors to act with him in such cases, shall be of opinion that any convict is insane, they shall make proper examination, and if they remain of the opinion that such person is insane, the warden shall certify the fact to the superintendent of one of the state asylums for the insane, and shall forthwith send such convict to said asylum for care and treatment. If at the expiration of the term of sentence the insane convict is still in the insane asylum, he shall be allowed to remain there until discharged cured. It shall be the duty of the warden, also, to send to the directors a copy of such certificate, and thereafter a statement as to his subsequent acts regarding the said insane convict. And it shall be the duty of the superintendent of the insane asylum to receive such insane convict and keep him until cured. It shall be his duty, upon receipt of such insane convict, to notify the directors of the fact, giving name, date, and where from, and from whose hands received. When, in the opinion of the superintendent, such insane convict is cured of insanity, it shall be his duty to immediately notify the directors thereof; and it shall be his duty also to notify the warden of the prison from whence he was received, who shall immediately send for, take, and receive the said convict back into the prison, the time passed at the asylum counting as a part of such convict's sentence. Before discharging any convict who may be insane at the time of the expiration of his sentence, the warden shall first give notice, in writing, to a judge of the superior court of the county in which the state prison may be located, over which he has control, of the fact,

Insane
convicts.

Discharge
of insane
convict,
proceedings.

of such insanity; whereupon said court shall forthwith make an order, and deliver the same to the sheriff of said county, commanding him to remove such insane convict and take him before said court. Upon the receipt of such order, it shall be the duty of said sheriff, to whom it is directed, to execute, and return the same forthwith to the court by whom it was issued, and thereupon the said court shall cause proper examination to be made by medical experts, and if it shall satisfactorily appear that such convict is insane said court shall order him to be confined in one of the insane asylums. The sheriff shall receive the same compensation as for transferring a prisoner to the state prison, and to be paid in the same manner. If any judge, after having been notified by the warden, shall neglect to cause such order to be made, as herein provided, or any such sheriff shall neglect to remove such insane convict, as required by the provisions of this section, it shall be the duty of the warden to cause such insane convict to be removed before a superior court of a county in which the state prison is located, in charge of an officer of the prison, or other suitable person, for the purpose of examination; and the cost of such removal shall be paid out of the state treasury, in the same manner as when removed by the sheriff, as in this title provided.

CHAPTER 159.

An act to recognize and declare valid all proceedings in Mendota irrigation district.

[Approved May 15, 1923.]

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

SECTION 1. Mendota irrigation district, as formed by the board of supervisors of the county of Fresno, State of California, and as now existing, is hereby recognized and declared valid, and all proceedings on organization and formation thereof are hereby approved and in all respects declared valid.

Mendota
irrigation
district
validated.

CHAPTER 160.

An act to amend the Political Code by repealing sections three thousand nine hundred nine, three thousand nine hundred ten, three thousand nine hundred eleven, three thousand nine hundred twelve, three thousand nine hundred thirteen, three thousand nine hundred fourteen, three thousand nine hundred fifteen, three thousand nine hundred sixteen, three thousand nine hundred seventeen, three thousand nine hundred eighteen, three thousand nine hundred nineteen, three thousand nine hundred twenty, three thousand nine hundred twenty-one, three thousand nine hundred twenty-two, three thousand nine hundred twenty-three, three thousand nine hundred twenty-four, three thousand nine hundred

twenty-five, three thousand nine hundred twenty-six, three thousand nine hundred twenty-seven, three thousand nine hundred twenty-eight, three thousand nine hundred twenty-nine, three thousand nine hundred thirty, three thousand nine hundred thirty-one, three thousand nine hundred thirty-two, three thousand nine hundred thirty-three, three thousand nine hundred thirty-four, three thousand nine hundred thirty-five, three thousand nine hundred thirty-six, three thousand nine hundred thirty-seven, three thousand nine hundred thirty-eight, three thousand nine hundred thirty-nine, three thousand nine hundred forty, three thousand nine hundred forty-one, three thousand nine hundred forty-two, three thousand nine hundred forty-three, three thousand nine hundred forty-four, three thousand nine hundred forty-five, three thousand nine hundred forty-six, three thousand nine hundred forty-seven, three thousand nine hundred forty-eight, three thousand nine hundred forty-nine, three thousand nine hundred fifty, three thousand nine hundred fifty-one, three thousand nine hundred fifty-two, three thousand nine hundred fifty-three, three thousand nine hundred fifty-four, three thousand nine hundred fifty-five, three thousand nine hundred fifty-six, three thousand nine hundred fifty-seven, three thousand nine hundred fifty-eight, inclusive, and to enact new sections thereof to be numbered consecutively three thousand nine hundred nine, three thousand nine hundred ten, three thousand nine hundred eleven, three thousand nine hundred twelve, three thousand nine hundred thirteen, three thousand nine hundred fourteen, three thousand nine hundred fifteen, three thousand nine hundred sixteen, three thousand nine hundred seventeen, three thousand nine hundred eighteen, three thousand nine hundred nineteen, three thousand nine hundred twenty, three thousand nine hundred twenty-one, three thousand nine hundred twenty-two, three thousand nine hundred twenty-three, three thousand nine hundred twenty-four, three thousand nine hundred twenty-five, three thousand nine hundred twenty-six, three thousand nine hundred twenty-seven, three thousand nine hundred twenty-eight, three thousand nine hundred twenty-nine, three thousand nine hundred thirty, three thousand nine hundred thirty-one, three thousand nine hundred thirty-two, three thousand nine hundred thirty-three, three thousand nine hundred thirty-four, three thousand nine hundred thirty-five, three thousand nine hundred thirty-six, three thousand nine hundred thirty-seven, three thousand nine hundred thirty-eight, three thousand nine hundred thirty-nine, three thousand nine hundred forty, three thousand nine hundred forty-one, three thousand nine hundred forty-two, three thousand nine hundred forty-three, three thousand nine hundred forty-four, three thousand nine hundred forty-five, three thousand nine hundred forty-six,

three thousand nine hundred forty-seven, three thousand nine hundred forty-eight, three thousand nine hundred forty-nine, three thousand nine hundred fifty, three thousand nine hundred fifty-one, three thousand nine hundred fifty-two, three thousand nine hundred fifty-three, three thousand nine hundred fifty-four, three thousand nine hundred fifty-five, three thousand nine hundred fifty-six, three thousand nine hundred fifty-seven, three thousand nine hundred fifty-eight, three thousand nine hundred fifty-nine, three thousand nine hundred sixty, three thousand nine hundred sixty-one, three thousand nine hundred sixty-two, three thousand nine hundred sixty-three, three thousand nine hundred sixty-four, three thousand nine hundred sixty-five, three thousand nine hundred sixty-six, inclusive, relating to the reestablishment and redefinition of the boundaries of the counties of the State of California.

[Approved May 16, 1923.]

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

SECTION 1. Sections three thousand nine hundred nine, ^{Repealed.} three thousand nine hundred ten, three thousand nine hundred eleven, three thousand nine hundred twelve, three thousand nine hundred thirteen, three thousand nine hundred fourteen, three thousand nine hundred fifteen, three thousand nine hundred sixteen, three thousand nine hundred seventeen, three thousand nine hundred eighteen, three thousand nine hundred nineteen, three thousand nine hundred twenty, three thousand nine hundred twenty-one, three thousand nine hundred twenty-two, three thousand nine hundred twenty-three, three thousand nine hundred twenty-four, three thousand nine hundred twenty-five, three thousand nine hundred twenty-six, three thousand nine hundred twenty-seven, three thousand nine hundred twenty-eight, three thousand nine hundred twenty-nine, three thousand nine hundred thirty, three thousand nine hundred thirty-one, three thousand nine hundred thirty-two, three thousand nine hundred thirty-three, three thousand nine hundred thirty-four, three thousand nine hundred thirty-five, three thousand nine hundred thirty-six, three thousand nine hundred thirty-seven, three thousand nine hundred thirty-eight, three thousand nine hundred thirty-nine, three thousand nine hundred forty, three thousand nine hundred forty-one, three thousand nine hundred forty-two, three thousand nine hundred forty-three, three thousand nine hundred forty-four, three thousand nine hundred forty-five, three thousand nine hundred forty-six, three thousand nine hundred forty-seven, three thousand nine hundred forty-eight, three thousand nine hundred forty-nine, three thousand nine hundred fifty, three thousand nine hundred fifty-one, three thousand nine hundred fifty-two, three thousand nine hundred fifty-three, three thousand nine hundred fifty-four, three thousand nine hundred fifty-five, three thousand nine hundred fifty-six, three thousand

nine hundred fifty-seven, three thousand nine hundred fifty-eight, inclusive, of the Political Code, are hereby repealed.

SEC. 2. A new section is hereby added to the Political Code to be numbered three thousand nine hundred nine and to read as follows:

Boundaries.

Alameda county.

3909. *Alameda.* Beginning at the southwest corner, being the common corner of San Mateo, Santa Clara, and Alameda, as established in section three thousand nine hundred fifty-one; thence easterly along the northerly boundary of Santa Clara county as defined in said section to the corner common to Santa Clara, San Joaquin, Stanislaus and Alameda counties; thence northwesterly and northerly along the boundary line between Alameda and San Joaquin counties, as described in the field notes of the survey of said line, as adopted by the board of supervisors of Alameda county, California, on February 6, 1869, to the corner common to Alameda, Contra Costa and San Joaquin counties; thence in a general westerly direction along the boundary line between Alameda and Contra Costa counties, as described in field notes of the survey of said boundary line, filed November 19, 1877, in the office of the clerk of Alameda county, California, to the most westerly point where said line is coincident with the line dividing the Rancho San Pablo from the Rancho San Antonio; thence westerly along the northerly boundary line of the Rancho San Antonio to the initial point of the description thereof, as recorded in Liber "B" of patents, page 30, records of Alameda county, California; thence southwesterly in a direct line to a point in San Francisco bay, said point being four and one-half statute miles due southeast of the northwest point of Golden rock (also known as Red rock); thence south-easterly in a direct line to a point from which the lighthouse on the most southerly point of Yerba Buena island bears south seventy-two degrees west, four thousand seven hundred feet; thence southeasterly in a direct line to a point on the southerly line of township two south, range four west, Mount Diablo base and meridian, distant thereon two statute miles west of the southeast corner of said township, forming corner common to San Francisco, San Mateo and Alameda; thence south-easterly along the eastern line of San Mateo county to the place of beginning.

SEC. 3. A new section is hereby added to the Political Code to be numbered three thousand nine hundred ten and to read as follows:

Alpine county.

3910. *Alpine.* Beginning at north corner, at a point where the state line crosses the east summit of the Sierra Nevada mountains, being the most easterly corner of El Dorado; thence southwesterly along said summit to a point two miles west of James Green's house, in Hope valley, called Thompson's peak; thence southwesterly in a direct line to a point on the Amador and Nevada turnpike road in front of Z. Kirkwood's house, being common corner of Amador, Alpine, and El Dorado; thence south across the north fork of the Mokelumne river to the road leading from West Point, in Calaveras, to Big Tree

road, near the Big meadows: thence easterly along said West Point road to the Big Tree road; thence easterly in a direct line to where the Sonora trail strikes the middle fork of the Stanislaus river; thence easterly along said trail to the summit of the Sierra Nevada mountains; thence northerly along said summit to the dividing ridge between West Walker and Carson rivers; thence northeasterly along said dividing ridge to the state line, forming easterly corner of Alpine and northerly corner of Mono; thence northwest along said state line to the place of beginning.

SEC. 4. A new section is hereby added to the Political Code to be numbered three thousand nine hundred eleven and to read as follows:

3911. *Amador*. Beginning at southwest corner, in the Mokelumne river, on the eastern boundary of San Joaquin, as established in section three thousand nine hundred forty-seven; thence up said river to its junction with the north fork of the same; thence up the said north fork to the line of Alpine, being at a point south of common corner of Amador, Alpine, and El Dorado, which is in the center of the Amador and Nevada road, in front of Z. Kirkwood's house, as established in section three thousand nine hundred ten; thence north by the line of Alpine to said common corner; thence westerly along said road to a point east of the source of the south fork of the south fork of the Cosumnes river, thence west to said source; thence down the south fork of the south fork and the south fork and the main Cosumnes river to the easterly line of Sacramento, as established in section three thousand nine hundred forty-two; thence by eastern lines of Sacramento and San Joaquin to the place of beginning.

Amador
county.

SEC. 5. A new section is hereby added to the Political Code to be numbered three thousand nine hundred twelve and to read as follows:

3912. *Butte*. Beginning at the northwest corner of Yuba, in the center line of the Feather river, opposite the mouth of Honcut creek; thence northeasterly up the Honcut creek and the South Honcut creek, following their various meanders and along the boundary line as surveyed in the year one thousand nine hundred one by B. L. McCoy, county surveyor of Butte county, and Jason R. Meek, county surveyor of Yuba county, to its intersection with the south line of section thirty-one, of township nineteen north, range six east, Mount Diablo base and meridian, and running thence east to the southwest corner of the southeast one-quarter of the southeast one-quarter of section thirty-one, said township and range; thence north three-quarters of a mile; thence east one-quarter of a mile; thence north one-quarter of a mile, to corner common to sections twenty-nine, thirty, thirty-one, and thirty-two, said township and range; thence east one-half mile to the one-quarter section corner between sections twenty-nine and thirty-two, said township and range; thence north one-half mile to the center of section twenty-nine; thence east one-half mile to the one-quarter section corner between sections twenty-

Butte
county.

Butte
county.

eight and twenty-nine, said township and range; thence north three-quarters of a mile; thence east one-quarter of a mile; thence north three-quarters of a mile; thence east one-quarter of a mile to the one-quarter section corner between sections sixteen and twenty-one, said township and range; thence north one and one-half miles to the center of section nine, said township and range; thence east one and one-half miles to the one-quarter section corner between sections ten and eleven, said township and range; thence south one-half mile to the corner common to sections ten, eleven, fourteen, and fifteen, said township and range; thence east two miles to the corner common to sections twelve and thirteen, township nineteen north, range six east, and sections seven and eighteen, township nineteen north, range seven east, Mount Diablo base and meridian; thence north one mile to the corner common to sections one and twelve, township nineteen north, range six east, and sections six and seven, township nineteen north, range seven east, Mount Diablo meridian; thence east three miles to the corner common to sections three, four, nine, and ten, township nineteen north, range seven east, Mount Diablo meridian; thence south one-half mile to one-quarter section corner between sections nine and ten, said township and range; thence east one and one-half miles to the center of section eleven said township and range; thence north one-half mile to the one-quarter section corner between sections two and eleven, said township and range; thence east one-half mile to the corner common to sections one, two, eleven and twelve, said township and range; thence north two miles to the corner common to sections twenty-five, twenty-six, thirty-five, and thirty-six, township twenty north, range seven east, Mount Diablo meridian; thence east one-half mile to one-quarter section corner between sections twenty-five and thirty-six, said township and range; thence north one-half mile to the center of section twenty-five, said township and range; thence east one and one-half miles to the one-quarter section corner between sections twenty-nine and thirty, township twenty north, range eight east, Mount Diablo meridian; thence north one-quarter of a mile; thence east one-half of a mile; thence north one and one-quarter miles to the one-quarter section corner between sections seventeen and twenty, said township and range; thence east one and one-half miles to the corner common to sections fifteen, sixteen, twenty-one, and twenty-two, said township and range; thence northerly to the common corner of Plumas, Butte and Yuba, as established in section three thousand nine hundred forty; thence northerly to the northeast corner of the southeast quarter of the southeast quarter of section nine, township twenty north, range eight east; thence west one-half mile; thence north three quarters of a mile to the quarter section corner between sections four and nine, said township and range; thence west to the corner common to sections four, five, eight and nine, said township and range; thence north one-half mile to the quarter section corner between said sections four and five; thence west one mile to the

quarter section corner between sections five and six, said township and range; thence north one-half mile, more or less, to the north corner of sections five and six, said township and range; thence west on township line one and a quarter miles, more or less, to the southwest corner of section thirty-one, township twenty-one north, range eight east, Mount Diablo base and meridian; thence north on township line, two miles to the east corner of sections twenty-four and twenty-five, township twenty-one north, range seven east, Mount Diablo base and meridian; thence west one mile to the corner common to sections twenty-three, twenty-four, twenty-five and twenty-six, said township and range; thence north one-half mile to the quarter section corner between sections twenty-three and twenty-four, said township and range; thence west one-half mile to the center of said section twenty-three; thence north one-half mile to the quarter section corner between sections fourteen and twenty-three, said township and range; thence west one-half mile to the corner common to sections fourteen, fifteen, twenty-two and twenty-three, said township and range; thence north one mile to the corner common to sections ten, eleven, fourteen and fifteen, said township and range; thence west one mile; thence north one mile; thence west one mile; thence north two miles; thence west one mile; thence north one mile; thence west one mile. to the east corner of sections twenty-four and twenty-five, township twenty-two north, range six east, Mount Diablo base and meridian; thence north, on township line, one mile to the east corner of sections thirteen and twenty-four, said township and range; thence west one mile to the corner common to sections thirteen, fourteen, twenty-three and twenty-four, said township and range; thence north one mile to the corner common to sections eleven, twelve, thirteen and fourteen, said township and range; thence west one mile to the corner common to sections ten, eleven, fourteen and fifteen, said township and range; thence north one mile to the corner common to sections two, three, ten and eleven; thence west one-quarter mile; thence north one-quarter mile; thence west one-quarter mile; thence north one-quarter mile to the center of section three, said township and range; thence west three-quarters of a mile; thence north one-half mile to the north boundary of section four, said township and range; thence west on township line one-half mile; thence north one mile; thence west three-quarters of a mile to the quarter section corner between sections twenty-nine and thirty-two, township twenty-three, north, range six east, Mount Diablo base and meridian; thence north one mile to the quarter section corner between sections twenty and twenty-nine, said township and range; thence west one mile to the quarter section corner between sections nineteen and thirty, said township and range; thence north one mile to the quarter section corner between sections eighteen and nineteen, said township and range; thence west one-half mile to the west corner of said sections eighteen and nineteen; thence north, on township line, one mile to the east corner of sections twelve and thirteen, township twenty-three north, range five

Butte
county.

Butte
county.

east; thence west one mile to the corner common to sections eleven, twelve, thirteen and fourteen, said township and range; thence north one-half mile to the quarter section corner between said sections eleven and twelve; thence west one mile to the quarter section corner between sections ten and eleven, said township and range; thence north one-half mile to the corner common to sections two, three, ten, and eleven, said township and range; thence west one mile to the corner common to sections three, four, nine, and ten, said township and range; thence north one mile to the north corner of said sections three and four, two miles to the corner common to sections twenty-seven, twenty-eight, thirty-three, and thirty-four, township twenty-four north, range five east, Mount Diablo base and meridian; thence west one mile to the corner common to sections twenty-eight, twenty-nine, thirty-two, and thirty-three, said township and range; thence north one mile to the corner common to sections twenty, twenty-one, twenty-eight, and twenty-nine, said township and range; thence east one mile to the corner common to sections twenty-one, twenty-two, twenty-seven, and twenty-eight, said township and range; thence north one mile to the corner common to sections fifteen, sixteen, twenty-one, and twenty-two, said township and range; thence west one-half mile to the quarter section corner between said sections sixteen and twenty-one; thence north two miles to the quarter section corner between sections four and nine, said township and range; thence east one-half mile to the corner common to sections three, four, nine, and ten, said township and range; thence north one mile to the north corner of sections three and four, said township and range, two miles to the corner common to sections twenty-seven, twenty-eight, thirty-three, and thirty-four, township twenty-five north, range five east, Mount Diablo base and meridian; thence west one-half mile to the quarter section corner between said sections twenty-eight and thirty-three; thence north two miles to the quarter section corner between sections sixteen and twenty-one, said township and range; thence east one-half mile to the corner common to sections fifteen, sixteen, twenty-one, and twenty-two, said township and range; thence north one mile to the corner common to sections nine, ten, fifteen, and sixteen, said township and range; thence east one-half mile to the quarter section corner between said sections ten and fifteen; thence north one and one-half miles to the center of section three, said township and range; thence east one mile to the center of section two, said township and range; thence north one-half mile, more or less, to the quarter section corner on north boundary of said section two; thence east on township line to the quarter section corner on south boundary of section thirty-five, township twenty-six north, range five east, Mount Diablo base and meridian; thence north one mile to the quarter section corner between sections twenty-six and thirty-five, said township and range; thence east one-half mile to the corner common to sections twenty-five, twenty-six, thirty-five, and thirty-six, said town-

ship and range; thence north one mile to the corner common to sections twenty-three, twenty-four, twenty-five, and twenty-six, said township and range; thence west one-half mile to the quarter section corner between said sections twenty-three and twenty-six; thence north one and one-half miles to the center of section fourteen, said township and range; thence west one-half mile to the quarter section corner between sections fourteen and fifteen, said township and range; thence north one-half mile to the corner common to sections ten, eleven, fourteen, and fifteen, said township and range; thence west one mile to the corner common to sections nine, ten, fifteen, and sixteen, said township and range; thence north two and one-half miles to the quarter section corner between sections thirty-three and thirty-four, township twenty-seven north, range five east, Mount Diablo base and meridian; thence west one and three-quarters miles, more or less, to the Chico and Humboldt road at the corner common to Plumas, Butte, and Tehama counties; thence southwesterly on the southeasterly line of Tehama to the southeast corner of Tehama, at point of intersections of Rock creek and southern line of township twenty-four north, Mount Diablo base; thence west on said township line to the Sacramento river; thence down said river to the southwest corner of the Llano Seco grant; thence northeasterly and southeasterly along the eastern boundary of Glenn county as established in section three thousand nine hundred nineteen to the northeastern corner of Colusa county; thence on Colusa county east line, down Butte creek, to the northwest corner of Sutter county, as established in section three thousand nine hundred fifty-nine; thence east on north line of Sutter county to Feather river; thence down Feather river to place of beginning.

SEC. 6. A new section is hereby added to the Political Code to be numbered three thousand nine hundred thirteen, and to read as follows:

3913. *Calaveras*. Beginning at southern corner, at a point in the Stanislaus river where it intersects the eastern line of Stanislaus county, as established in section three thousand nine hundred fifty-eight, being a point one mile north of Knight's ferry, and being the western corner of Tuolumne county; thence up said river and north fork thereof, to the westerly line of Alpine as established in section three thousand nine hundred ten; thence northerly, on the line of Alpine, to the southeast corner of Amador, as established in section three thousand nine hundred eleven and section three thousand nine hundred ten; thence southwesterly, on the southern line of Amador, down the Mokelumne river, to the southwest corner of Amador, on eastern line of San Joaquin county; thence southerly and southeasterly, on line of San Joaquin and Stanislaus, as established in sections three thousand nine hundred forty-seven and three thousand nine hundred fifty-eight, to the place of beginning.

Calaveras
county.

SEC. 7. A new section is hereby added to the Political Code to be numbered three thousand nine hundred fourteen, and to read as follows:

Colusa
county.

3914. *Colusa*. Beginning at southeast corner, being northeast corner of Yolo, in Sacramento river, at its intersection with the south line of township thirteen north, Mount Diablo base; thence west, on said township line to the ridge dividing the waters flowing into Bear creek and Stony creek, from those flowing west into the north fork of Cache creek and Clear lake: thence northerly, along said ridge to the summit line of the Coast range, being the eastern line of Lake, forming southwest corner of Colusa and northwest corner of Yolo; thence northerly on said eastern boundary of Lake, to the southwest corner of Glenn; thence easterly on southern line of Glenn to Butte creek; thence down Butte creek to Butte slough; thence up Butte slough to Sacramento river; thence down Sacramento river to the place of beginning.

SEC. 8. A new section is hereby added to the Political Code to be numbered three thousand nine hundred fifteen, and to read as follows:

Contra Costa
county.

3915. *Contra Costa*. Beginning in bay of San Francisco, at the northwest point of Red Rock, being the common corner of Marin, Contra Costa, and San Francisco as established in section three thousand nine hundred forty-six; thence up the straits and bay of San Pablo, on eastern boundary of Marin, to point of intersection with line bearing south twenty-six and one-half degrees east, and about six and one-quarter miles distant from southwest corner of Napa county, as established in section three thousand nine hundred thirty-six, forming common corner of Marin, Solano, Sonoma, and Contra Costa, as established in section three thousand nine hundred fifty-seven; thence to the straits of Carquinez; thence up said straits and Suisun bay, to the mouth of the San Joaquin river; thence up said river, to the confluence of the west and main channels thereof, as laid down on Gibbe's map; thence up the said west channel, to a point about ten miles below Moore and Rhodes' ranch, at a bend where the said west channel, running downward, takes a general course north, the point being on the westerly line of San Joaquin county, and forming the northeast corner of Alameda and southeast corner of Contra Costa; thence westerly on the northern line of Alameda as established in section three thousand nine hundred nine, to the easterly line of San Francisco city and county, as established in section three thousand nine hundred forty-six; thence due northwest, along said easterly line of San Francisco, four and one-half miles, more or less, to the place of beginning.

SEC. 9. A new section is hereby added to the Political Code to be numbered three thousand nine hundred sixteen, and to read as follows:

Del Norte
county.

3916. *Del Norte*. Situated in the northwest corner of the State of California, beginning at a point in the Pacific

ocean, on the forty-second parallel of north latitude, three miles from shore, being on the southern line of Oregon; thence running southerly, three miles from ocean shore, to the northern line of Humboldt county; thence easterly, along the northern boundary of Humboldt county to the summit of a spur of the Siskiyou range of mountains; thence northerly, following the summit of said spur of the Siskiyou range of mountains, to the forty-second parallel of north latitude; thence due west to the place of beginning.

SEC. 10. A new section is hereby added to the Political Code to be numbered three thousand nine hundred seventeen, and to read as follows:

3917. *El Dorado*. Beginning at the junction of the north and south forks of the American river, which is the extreme west corner; thence up the north fork of the American river to the point of confluence of the middle fork of the American river; thence up the middle fork of the American river to the point of confluence of the south fork of middle fork of the American river at Junction bar; thence up said last-named fork, now known as the Rubicon river, to a point where the same is intersected by the section line between sections twenty-nine and thirty-two, township fourteen north, range fourteen east, Mount Diablo base and meridian; thence east on the section line through township fourteen north, ranges fourteen and fifteen east to the northeast corner of section thirty-five, township fourteen north, range fifteen east; thence north on range line to southwest corner of section thirty, township fourteen north, range sixteen east; thence east on section line to the southeast corner of section thirty, township fourteen north, range sixteen east; thence north to the one-quarter section corner between sections twenty-nine and thirty, township fourteen north, range sixteen east; thence through the centers of section twenty-nine, twenty-eight and twenty-seven, to the one-quarter section corner between sections twenty-six and twenty-seven, township fourteen north, range sixteen east; thence north on section line to the northwest corner of section twenty-six; thence east on section line to the northeast corner of section twenty-six; thence north on section line to the one-quarter section corner between sections twenty-three and twenty-four; thence east through the center of section to the one-quarter corner between sections nineteen and twenty-four, township fourteen north, range sixteen east and township fourteen north, range seventeen east; thence north on the range line to the one-quarter section corner between sections thirteen and eighteen; thence east to the legal center of section eighteen, township fourteen north, range seventeen east; thence north to the one-quarter section corner between sections seven and eighteen, township fourteen north, range seventeen east; thence east on the section line to the western shore line of Lake Bigler, now called Lake Tahoe; thence east in said lake to the state line; thence south and southeasterly on the state line to the northern corner of Alpine county, being a point where the state line crosses the eastern summit line of

El Dorado
county.

the Sierra Nevada mountains; thence southwesterly along the west line of Alpine county, as established in section three thousand nine hundred ten, to the common corner of Alpine, Amador, and El Dorado counties, as established by said section; thence westerly on the northern line of Amador county, as established in section three thousand nine hundred eleven, and down the Cosumnes river and south fork thereof, to the eastern line of Sacramento county, as established in section three thousand nine hundred forty-two; thence northerly by the eastern line of Sacramento county to the south fork of the American river; thence down the latter to the place of beginning.

SEC. 11. A new section is hereby added to the Political Code to be numbered three thousand nine hundred eighteen, and to read as follows:

Fresno
county.

3918. *Fresno*. Beginning on the south line of Merced county at a point where said line crosses the San Joaquin river; thence south, forty-five degrees west, and on line of Merced, to the eastern boundary line of San Benito; thence southeasterly along said boundary line to the eastern boundary of Monterey, and continuing along said Monterey boundary in a southeasterly direction, to a point in the same, which point is south forty-five degrees west from the point on Kings river where northern line of township sixteen south crosses the same: said point being the common corner of Fresno, Monterey and Kings counties; thence northeasterly on the northwestern boundary of Kings and Tulare counties to said point on the Kings river where the northern line of township sixteen south crosses the same; thence east along northern line of township sixteen south and continuing on said line to the northwest corner of township sixteen south, range twenty-five east: thence north to the northwest corner of township fifteen south, range twenty-five east; thence east to the northeast corner of township fifteen south, range twenty-seven east: thence north to the northeast corner of township fourteen south of range twenty-seven east; thence east on the line between townships thirteen and fourteen south to the summit of Sierra Nevada, being the western line of Inyo county; thence northwesterly, on the summit line and lines of Inyo and Mono, to the common corner of Mono, Madera, and Fresno; thence westerly and southwesterly on the southern line of Madera to the place of beginning.

SEC. 12. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred nineteen, and to read as follows:

Glenn
county.

3919. *Glenn*. Beginning at a point on the eastern boundary line of Lake, as established in section three thousand nine hundred twenty-five at the northwest corner of the southwest quarter of section twenty-six, township eighteen north, range eight west, Mount Diablo base and meridian; running thence east along the half section line, and one and one-half miles north of the line dividing townships seventeen and eighteen north, of Mount Diablo base and meridian, to the range line separating townships eighteen north, range two west, from

eighteen north, range three west; thence running north two miles to northeast corner of southeast quarter of section thirteen, township eighteen north, range three west; running thence east along the half section line to the center of the Sacramento river; thence down the center of the said Sacramento river, in a southeasterly course, to the point of intersection with the half section line, one and one-half miles north of the line dividing townships seventeen and eighteen north, Mount Diablo base and meridian; thence east on said half section line to its intersection with Butte creek, said point of intersection lying on the western boundary of Butte county and being the southeastern corner of Glenn and the northeastern corner of Colusa; thence northerly along the middle of the channel of said Butte creek to the point of intersection with the line between sections three and four of the Aguas Frias rancho as surveyed by La Croze; thence north along the said line between the said sections three and four to its point of intersection with the line between township nineteen north, range one east and township twenty north, range one east; thence west along said line to its intersection with the southern boundary of the Llano Seco grant, on the north line of section two in township nineteen north, range one west; thence southwest along said grant line to the southwest corner of said grant in the center of the Sacramento river; thence northerly, and following the meanderings thereof, along the center of said Sacramento river, to a point where the north line of township twenty-two intersects the center of the Sacramento river, being the initial point of Tehama county, as established by law; thence west along the north line of township twenty-two north, to the southwest corner of Tehama county, as established in section three thousand nine hundred sixty of the Political Code; thence southerly on the established line between Mendocino and Lake counties, to the place of beginning.

SEC. 13. A new section is hereby added to the Political Code to be numbered three thousand nine hundred twenty, and to read as follows:

3920. *Humboldt*. Commencing at the point where the north line of township twelve north, range one east, Humboldt meridian, intersects with the Pacific ocean; thence east on said township line to the northeast corner of township twelve north, range three east, Humboldt meridian; thence south to the southeast corner of said township twelve north, range three east, Humboldt meridian; thence east on the north boundary line of township eleven north, range four east, eleven north, five east, and eleven north, six east, Humboldt meridian, to the Klamath river; thence following said Klamath river in a southerly direction to the mouth of the Salmon river; thence in a southerly direction, following the ridge of the mountain that divides the waters of the Salmon and its tributaries from the waters of Klamath and Trinity rivers, and their tributaries to the northern line of Trinity county; thence southwesterly on the line of mountain, being the northern line of Trinity, to a point in the Trinity river directly

Humboldt
county.

east of the mouth of Mad river; thence southeasterly, up Trinity river, to the mouth of its south fork; thence southeasterly, along the eastern side of said south fork, one hundred feet above high water mark, to the mouth of Grouse creek; thence south, to a point on the fortieth degree of north latitude, being on northern line of Mendocino, and forming southeast corner of Humboldt; thence west on said line, to the Pacific ocean; thence northerly, along the ocean shore to the place of beginning.

SEC. 14. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred twenty-one, and to read as follows:

Imperial
county.

3921. *Imperial.* Beginning on the second standard parallel south of San Bernardino base and meridian, at the common corner of township nine south, range nine east and township nine south, range eight east, said corner being the northwest corner of Imperial county and the northeast corner of San Diego county; thence south on the range line between ranges eight east and nine east to the boundary line between the United States and Mexico; thence easterly following the boundary line between United States and Mexico as fixed by the treaty of Guadalupe Hidalgo to the junction of the Colorado river with the mouth of the Gila; thence up the Colorado river following the said boundary to its intersection with the line of the second standard parallel south of the San Bernardino meridian; thence westerly and following the said second standard parallel to the place of beginning.

SEC. 15. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred twenty-two and to read as follows:

Inyo
county.

3922. *Inyo.* Beginning at the southeast corner of Tulare, as established in section three thousand nine hundred sixty-two, being the point of intersection of sixth standard south, Mount Diablo base, with summit line of Sierra Nevada mountains; thence east, by said standard and extension thereof, to the eastern line of the state, forming southeast corner; thence northwesterly, on state line, to the southeast corner of Mono, as established in section three thousand nine hundred thirty-four; thence west on the southern line of Mono to the summit of the Sierra Nevada mountains, being on the eastern line of Fresno, and forming the southwest corner of Mono and northwest corner of Inyo; thence southeasterly on said summit line to the place of beginning.

SEC. 16. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred twenty-three, and to read as follows:

Kern
county.

3923. *Kern.* Beginning at northwest corner, being common corner of San Luis Obispo, Kings, and Kern, as established in section three thousand nine hundred sixty-two; thence east, on the sixth standard south of Mount Diablo base, to the northwest corner of section one, township twenty-five south, range forty east, Mount Diablo meridian, said point

being the northeast corner of Kern county and the northwest corner of San Bernardino county; thence south on the westerly line of San Bernardino as established in section three thousand nine hundred forty-four to the southeast corner of section thirty-two, township nine north, range seven west, San Bernardino base and meridian, forming the southeast corner of Kern county; thence west along the range line between ranges eight and nine north of San Bernardino base to the northeast corner of section five, township eight north, range nineteen west, San Bernardino base and meridian, said point being at the corner common to Ventura, Los Angeles and Kern counties, as established in section three thousand nine hundred sixty-four; thence westerly and northwesterly along the northern boundary of Ventura as defined in said section to the corner common to Santa Barbara, Ventura and Kern; thence along the northern boundary of Santa Barbara to the corner common to San Luis Obispo, Santa Barbara and Kern; thence northerly along the eastern boundary of San Luis Obispo to the place of beginning.

SEC. 17. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred twenty-four, and to read as follows:

3924. *Kings.* Beginning at the northeast corner of section one in township seventeen south, range twenty-two east, Mount Diablo base and meridian; thence south six miles; thence east three miles; thence south nine miles to the southeast corner of section sixteen in township nineteen south, range twenty-three east, Mount Diablo base and meridian; thence west three miles to the southeast corner of section thirteen in township nineteen south, range twenty-two east, Mount Diablo base and meridian; thence south nine miles to the southeast corner of township twenty south, range twenty-two east, Mount Diablo base and meridian; thence west to the northeast corner of township twenty-one south, range twenty-two east; thence south twenty-four miles to the north boundary of Kern county, as now established by law; thence west along said north boundary of Kern county to the corner common to the counties of Monterey, San Luis Obispo, and Kern, as now established by law; thence in a northwesterly direction along the line between the counties of Monterey and Kings, as now established by law, to the corner common to the counties of Kings, Monterey, and Fresno; thence in a northeasterly direction along the boundary line between Fresno and Kings counties, as now established by law, to the corner common to sections thirteen and twenty-four in township twenty south, range eighteen east, Mount Diablo base and meridian, and sections eighteen and nineteen in township twenty south, range nineteen east, Mount Diablo base and meridian, the same being the northwest corner of section nineteen in township twenty south, range nineteen east, Mount Diablo base and meridian; thence north fifteen miles to the southwest corner of section thirty-one in township seventeen south, range nineteen east, Mount Diablo base and meridian; thence east along the town-

ship line a distance of eleven and one-half miles, more or less, to the point where said township line intersects the center line of the main channel of Kings river; thence northeasterly and easterly following the meander of the said center line of the main channel of Kings river to the point where said center line intersects the boundary line between the county of Fresno and the county of Kings, as now established by law; thence northeasterly along said boundary line to the corner common to the counties of Tulare, Fresno, and Kings; thence east along the fourth standard parallel line south, Mount Diablo base and meridian, to the point of beginning.

SEC. 18. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred twenty-five, and to read as follows:

Lake
county.

3925. *Lake.* Beginning at the monument on top of Mount Hull, established by T. P. Smythe and R. P. Hammond and party on October 20, 1885, and approved by H. J. Willey, surveyor general of the State of California, on December 23, 1885; thence due north to the half section line running east and west through section two, township nineteen north, range ten west, Mount Diablo base and meridian; thence east along said half section line through sections two and one of said township, range, base and meridian, and then through section five to the southeast corner of the northeast quarter of said section five, township nineteen north, range nine west, Mount Diablo base and meridian; thence north along the line between and dividing sections four and five of said township, range, base and meridian, and continuing north along the line between and dividing sections thirty-two and thirty-three, twenty-eight and twenty-nine, twenty and twenty-one, to the common section corner of sections sixteen, seventeen, twenty, and twenty-one, township twenty north, range nine west, said section corner being on the eastern boundary of Mendocino county and being also the common corner of Lake and Glenn counties; thence east between sections sixteen, twenty-one, fifteen, twenty-two, fourteen, twenty-three, thirteen, twenty-four, of township twenty north, range nine west, Mount Diablo meridian, and sections eighteen, nineteen, seventeen, twenty, sixteen, twenty-one, fifteen, twenty-two, township twenty north, range eight west, Mount Diablo meridian, to corner of sections fourteen, fifteen, twenty-two, twenty-three, township twenty north, range eight west, Mount Diablo meridian; thence south between sections twenty-two, twenty-three, twenty-six, twenty-seven, thirty-four, thirty-five, township twenty north, range eight west, Mount Diablo meridian, and sections two, three, ten, eleven, fourteen, fifteen, twenty-two, twenty-three, twenty-six, twenty-seven, thirty-four, thirty-five, township nineteen north, range eight west, Mount Diablo meridian, and sections two, three, ten, eleven, fourteen, fifteen, twenty-two, twenty-three, twenty-six, twenty-seven, to one-quarter section corner on section line dividing sections twenty-six and twenty-seven, township eighteen north, range eight west, Mount Diablo meridian; said point being on boundary

line between the county of Glenn and the county of Colusa as established by "An act to change and permanently locate the boundary line between the counties of Glenn and Colusa, approved March 11, 1893"; thence running westerly along the half section line and one and one-half miles north of the line dividing townships seventeen and eighteen of Mount Diablo base and meridian, to the northwest corner of the southwest one-quarter of section thirty, township eighteen north, range eight west, Mount Diablo base and meridian, said corner being also the northwest corner of Colusa county; thence southerly on the western line of Colusa and Yolo counties to the point on said Yolo county line, where said line is intersected by the boundary line between Napa and Lake counties as defined in "An act to define the northern boundary line of Napa county, adjoining Lake and Yolo counties," approved March 8, 1872; thence southwesterly in a straight line to a large pile of rocks on the southeasterly side of the county road, at the lower and most easterly end of Hunting valley; thence down Hunting creek to its junction with Jericho creek in Jericho valley; thence down Jericho creek to its junction with Putah creek; thence southwesterly in a direct line to the Buttes cañon road at a point near the northwest corner of section nineteen, township ten north, range five west, said point being on the line between Lake and Napa counties as established in "An act to define the boundaries and provide for the organization of Lake county," approved May 20, 1861; thence westerly on the line established by said act to the summit of Mount St. Helena; thence northwesterly along the summit of the Mayacmas range, being the dividing ridge between the waters flowing into Russian river and those flowing into Clear lake, to the southeast corner of Mendocino and the northeast corner of Sonoma counties as established in section three thousand nine hundred thirty-one; thence northerly along the eastern line of Mendocino county as established in said section, to the place of beginning.

SEC. 19. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred twenty-six and to read as follows:

3926. *Lassen*. Beginning at the southwest corner, on the northern line of Sierra, located on the south boundary of township twenty-two north, range sixteen east, Mount Diablo base and meridian, at the corner common to sections thirty-five and thirty-six, and running thence north two miles to the corner common to sections twenty-three, twenty-four, and twenty-six, said township and range; thence east one mile to the east boundary of said township and range at the corner common to sections twenty-four and twenty-five; thence north one mile to the west corner of sections eighteen and nineteen, township twenty-two north, range seventeen east, Mount Diablo base and meridian; thence east one-half mile to the quarter section corner between said sections eighteen and nineteen; thence north one mile to the quarter section corner between sections seven and eighteen, said township and range; thence east one-

Lassen
county.

Lassen
county.

half mile to the corner common to sections seven, eight, seventeen and eighteen, said township and range; thence north on section lines to the south corner of sections thirty-one and thirty-two, township twenty-three north, range seventeen east, Mount Diablo base and meridian; thence north six miles to the south corner of sections thirty-one and thirty-two, township twenty-four north, range seventeen east, Mount Diablo base and meridian; thence east one-half mile; thence north two miles; thence west one-half mile; thence north two miles; thence west one mile, to the east corner of sections twelve and thirteen, township twenty-four north, range sixteen east, Mount Diablo base and meridian; thence north one-half mile to the quarter section corner on east side of said section twelve; thence west one-half mile to the center of said section twelve; thence north one-half mile to the quarter section corner between sections one and twelve, said township and range; thence west one-half mile to the corner common to sections one, two, eleven, and twelve, said township and range; thence north one-half mile to the quarter section corner between said sections one and two; thence west one-half mile to the center of said section two; thence north one-half mile to the quarter section corner on north boundary of said section two; thence west on township line one-half mile to the south corner of sections thirty-four and thirty-five, township twenty-five north, range sixteen east, Mount Diablo base and meridian; thence north one mile to the corner common to sections twenty-six, twenty-seven, thirty-four, and thirty-five, said township and range; thence west one-half mile to the quarter section corner between said sections twenty-seven and thirty-four; thence north one mile to the quarter section corner between sections twenty-two and twenty-seven, said township and range; thence west one-half mile to the corner common to sections twenty-one, twenty-two, twenty-seven, and twenty-eight, said township and range; thence north one mile to the corner common to sections fifteen, sixteen, twenty-one, and twenty-two, said township and range; thence west one mile to the corner common to sections sixteen, seventeen, twenty, and twenty-one, said township and range; thence north two miles to the corner common to sections four, five, eight, and nine, said township and range; thence west one-half mile to the quarter section corner between said sections five and eight; thence north three miles to the corner common to sections nineteen, twenty, twenty-nine, and thirty, said township and range; thence west two miles to the corner common to sections twenty-three, twenty-four, twenty-five and twenty-six, township twenty-six north, range fifteen east, Mount Diablo base and meridian; thence north one and one-half miles to the quarter section corner between sections thirteen and fourteen, said township and range; thence west one mile to the quarter section corner between sections fourteen and fifteen, said township and range; thence north one-half mile to the corner common to sections ten, eleven, fourteen, and fifteen, said township and range; thence west four miles to the west corner of sections seven and

eighteen, said township and range; thence north, on township line, one-half mile to the quarter section corner, on east boundary of section twelve, township twenty-six north, range fourteen east, Mount Diablo base and meridian; thence west one mile to the quarter section corner between sections eleven and twelve, said township and range; thence north one-half mile to the corner common to sections one, two, eleven and twelve, said township and range; thence west one mile to the corner common to sections two, three, ten and eleven, said township and range; thence north three-quarters of a mile to the southwest corner of lot five in section two and the southeast corner of lot seven in section three, said township and range; thence west one mile to the southwest corner of lot five in section three and the southeast corner of lot seven in section four, said township and range; thence north one-half mile to the north corner of sections three and four, said township and range; thence west on township line one-half mile to the quarter section corner on south boundary of section thirty-three, township twenty-seven north, range fourteen east, Mount Diablo base and meridian; thence north one mile to the quarter section corner between sections twenty-eight and thirty-three, said township and range; thence west one-half mile to the corner common to sections twenty-eight, twenty-nine, thirty-two and thirty-three, said township and range; thence north one-half mile to the quarter section corner between said sections twenty-eight and twenty-nine; thence west one mile to the quarter section corner between sections twenty-nine and thirty, said township and range; thence north one-half mile to the corner common to sections nineteen, twenty, twenty-nine and thirty, said township and range; thence west one-half mile to the quarter section corner between said section nineteen and thirty; thence north one mile to the quarter section corner between sections eighteen and nineteen, said township and range; thence west one-half mile to west corner of said sections eighteen and nineteen; thence north on township line one mile to the east corner of sections twelve and thirteen, township twenty-seven north, range thirteen east, Mount Diablo base and meridian; thence west one and one-half miles to the quarter section corner between sections eleven and fourteen, said township and range; thence north one mile to the quarter section corner between sections two and eleven, said township and range; thence west one-half mile to the corner common to sections two, three, ten and eleven, said township and range; thence north one mile to the north corner of said sections two and three; thence west on township line one mile to the south corner of sections twenty-three and thirty-four, township twenty-eight north, range thirteen east, Mount Diablo base and meridian; thence north one mile to the corner common to sections twenty-seven, twenty-eight, thirty-three and thirty-four, said township and range; thence west one mile to the corner common to sections twenty-eight, twenty-nine, thirty-two, and thirty-three, said township and range; thence north one-half mile to the quarter

Lassen
county.

Lassen
county.

section corner between said sections twenty-eight and twenty-nine; thence west one mile to the quarter section corner between sections twenty-nine and thirty, said township and range; thence north one-half mile; thence west one and one-half miles to the quarter section corner between sections twenty-four and twenty-five, township twenty-eight north, range twelve east: thence north one and one-half miles to the center of section thirteen, said township and range; thence west two and one-half miles to the quarter section corner between sections fifteen and sixteen, said township and range; thence north one-half mile to the corner common to sections nine, ten, fifteen and sixteen, said township and range; thence west one mile to the corner common to sections eight, nine, sixteen, and seventeen, said township and range; thence north one-half mile to the quarter section corner between said sections eight and nine; thence west one-half mile to the center of said section eight: thence north one-half mile to the quarter section corner between sections five and eight, said township and range; then west four miles to the quarter section corner between sections three and ten, township twenty-eight north, range eleven east, Mount Diablo base and meridian; thence north one-half mile to the center of said section three; thence west two miles to the center of section five, said township and range; thence south one-half mile to the quarter section corner between sections five and eight, said township and range: thence west one-half mile to the corner common to sections five, six, seven, and eight, said township and range; thence south one-half mile to the quarter section corner between said sections seven and eight; thence west one mile, more or less, to the quarter section corner on the west boundary of said section seven; thence south on township line to the east corner of sections thirteen and twenty-four, township twenty-eight north, range ten east, Mount Diablo base and meridian; thence west one mile to the corner common to sections thirteen, fourteen, twenty-three, and twenty-four, said township and range; thence south one-half mile to the quarter section corner between said sections twenty-three and twenty-four; thence west one mile to the quarter section corner between sections twenty-two and twenty-three, said township and range; thence south one mile to the quarter section corner between sections twenty-six and twenty-seven, said township and range; thence west one-half mile to the center of said section twenty-seven: thence south one-half mile to the quarter section corner between sections twenty-seven and thirty-four, said township and range: thence west one-half mile to the corner common to sections twenty-seven, twenty-eight, thirty-three and thirty-four, said township and range; thence south one-half mile to the quarter section corner between said sections thirty-three and thirty-four; thence west one mile to the quarter section corner between sections thirty-two and thirty-three, said township and range; thence south three miles to the quarter section corner between sections sixteen and seventeen, township twenty-seven north, range ten

east, Mount Diablo base and meridian; thence west one mile to the quarter section corner between sections seventeen and eighteen, said township and range; thence south one-half mile to the corner common to sections seventeen, eighteen, nineteen and twenty, said township and range; thence west two miles to the corner common to sections thirteen, fourteen, twenty-three and twenty-four, township twenty-seven north, range nine east, Mount Diablo base and meridian; thence north one mile to the corner common to sections eleven, twelve, thirteen and fourteen, said township and range; thence west one mile to the corner common to sections ten, eleven, fourteen and fifteen, said township and range; thence north one mile to the corner common to sections two, three, ten and eleven, said township and range; thence west three miles to the corner common to sections five, six, seven and eight, said township and range; thence north one mile to the section corner common to sections thirty-one and thirty-two, township twenty-eight north, range nine east; thence west on township line two miles to the south corner of sections thirty-five and thirty-six, township twenty-eight north, range eight east, Mount Diablo base and meridian; thence north one and one-half miles to the quarter section corner between sections twenty-five and twenty-six, said township and range; thence west one mile to the quarter section corner between sections twenty-six and twenty-seven, said township and range; thence north thirteen miles, more or less, to the quarter section corner between sections twenty-two and twenty-three, township thirty north, range eight east, Mount Diablo base and meridian; thence west fourteen miles, more or less, to the corner common to Shasta, Lassen and Plumas, said corner being the southeast corner of Shasta county and situated in the west half of section twenty-one, township thirty-one north, range six east, Mount Diablo base and meridian; thence north on the eastern line of Shasta to the southern line of Modoc marked by a rock mound, being northwest corner of Lassen and northeast corner of Shasta; thence east, along said line, to the eastern boundary of the state; thence south, along said state line, to the northeast corner of Sierra, as established in section three thousand nine hundred fifty-four; thence west, along the line of Sierra, to the place of beginning.

SEC. 20. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred twenty-seven and to read as follows:

3927. *Los Angeles.* Beginning at a point in the south-westerly boundary line of the State of California, said point being on the southerly prolongation of the westerly boundary line of rancho Topanga Malibu Sequit; thence northerly along said prolongation and westerly line of said rancho to the northwesterly corner thereof; thence northeasterly in a direct line to corner number seven of the boundary of rancho Simi; thence easterly along line number seven, northerly along line number eight, easterly along line number nine of the boundary of rancho Simi to corner number ten of the boundary

Lassen
county.Los Angeles
county

Los Angeles
county.

of rancho Simi; thence following the boundary line as surveyed by E. T. Wright and J. T. Stow, county surveyors, in June and July, 1881, as shown on map recorded in book 43, page 25 et seq., miscellaneous records of Los Angeles county as follows: North one hundred five and one-hundredth chains to a point; thence north seven degrees twenty-nine minutes west, one hundred fifty-seven and fifty-hundredths chains to a point; thence north twenty-one degrees fifty-seven minutes west, to a point in the north line of section four, township eight north, range nineteen west, San Bernardino base and meridian, distant westerly along said north line one thousand four hundred feet, more or less, from the northeast corner of said section four, said point being common to the boundaries of the counties of Kern, Ventura and Los Angeles; thence east along the north line of township eight north, San Bernardino base and meridian, to the northeast corner of township eight north, range eight west, San Bernardino base and meridian, said corner being a point common to the boundaries of the counties of San Bernardino, Kern and Los Angeles; thence south along the range line between ranges seven and eight west to the southeast corner of township six north, range eight west, San Bernardino base and meridian; thence east along the township line between townships five and six north to the northeast corner of township five north, range eight west, San Bernardino base and meridian; thence south along the range line between ranges seven and eight west to a point in the east line of section twelve, township four north, range eight west, San Bernardino base and meridian, distant southerly nine hundred forty feet, measured along said east line, from the northeast corner of said section twelve; thence southerly in a direct line to the summit of San Antonio peak; thence southwest in a direct line to the northwest corner of rancho Cucamonga, thence southwest along the northwesterly boundary line of rancho Cucamonga to the most westerly corner of rancho Cucamonga; thence southwest in a direct line to the northeast corner of rancho San Jose; thence southwest and westerly along the easterly and southerly boundary lines of rancho San Jose to the range line between ranges eight and nine west in township two south, San Bernardino base and meridian; thence south along the range line between ranges eight and nine west, to the southeast corner of section twelve, township two south, range nine west, San Bernardino base and meridian, said corner being an angle point in the boundary line of the rancho Santa Ana del Chino; thence westerly, southwest, southerly, easterly and southerly along the boundary line of the rancho Santa Ana del Chino to the southwest corner of the rancho Santa Ana del Chino, said corner being the center of section thirty-five, township two south, range nine west, San Bernardino base and meridian; thence southeasterly in a straight line to a point in the south line of section thirty-six, township two south, range nine west, San Bernardino base and meridian,

distant fifty-two and eighty-four-hundredths feet easterly thereon from the southwest corner of said section thirty-six, said point being common to the boundaries of the counties of San Bernardino, Orange and Los Angeles; thence westerly along the northern line of Orange county as defined in section three thousand nine hundred thirty-eight to the southwesterly boundary line of the State of California; thence northwesterly along the southwesterly boundary line of the State of California to the point of beginning. Also the islands of Santa Catalina and San Clemente.

SEC. 21. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred twenty-eight and to read as follows:

3928. *Madera*. Beginning at a point where the third standard line south of Mount Diablo base line crosses the San Joaquin river; thence up the middle of said river, following the meanderings thereof southeasterly and northeasterly, to the point where said river crosses the south boundary line of township six south, of range twenty-four east, Mount Diablo base and meridian; thence running northeast to the boundary line of Mono county; thence following the western line of Mono county and southern line of Tuolumne to the corner common to the counties of Tuolumne, Mariposa, and Madera; thence following the southern line of Mariposa, to the southeast corner of Merced; thence westerly, following the southern line of Merced to a point where said line is intersected by the San Joaquin river; thence following up the middle of said river to the point of beginning.

Madera
county

SEC. 22. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred twenty-nine and to read as follows:

3929. *Marin*. Beginning in the Pacific ocean at southwestern corner of Sonoma; thence southeasterly along southern line of Sonoma, as established in section three thousand nine hundred fifty-seven, to the mouth of Petaluma creek; thence to common corner of Marin, Sonoma, Contra Costa, and Solano, in San Pablo bay, as established in section three thousand nine hundred fifty-seven; thence southerly along the western boundary of Contra Costa, in the bay of San Pablo, to the middle of the straits of San Pablo; thence southerly, in a direct line, to Invincible rock, in the bay of San Francisco, near the entrance of the straits of San Pablo; thence, in a direct line, to northwestern point of Red rock; thence southerly to the extreme southerly point of Angel island; thence southwesterly to the extreme end of Point Cavallo at low-water mark; thence on the line of low-water mark along the northern shore of the bay to Point Bonita, and three miles into the Pacific ocean, to the northwestern corner of San Francisco, as established in section three thousand nine hundred forty-six; thence northwesterly by ocean shore to the place of beginning.

Marin
county.

SEC. 23. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred thirty and to read as follows:

Mariposa
county.

3930. *Mariposa*. Beginning on the boundary line of Madera county, where the Stockton road to Millerton crosses the Chowchilla creek; known as Newton's crossing; thence north, forty-six degrees east, to the southwest corner of section eleven, and the northwest corner of section fourteen, in township six south, range twenty east, of Mount Diablo meridian; thence east to the northwest corner of section fourteen, in township six south, range twenty-one east; thence north to the northwest corner of section thirty-five, township five south, range twenty-one east; thence east to the southwest corner of section thirty, in township five south, range twenty-two east; thence north to the southwest corner of the Mariposa Big Tree Grant; thence east, along the line of said grant to the southeast corner of said grant; thence north, along line of said grant to the northeast corner of the same; thence north to the original boundary line between the counties of Mariposa and Fresno; thence northeasterly along said line to the boundary line of Tuolumne county; thence westerly, by the southerly boundary of Tuolumne, to the southwest corner thereof, being common corner of Stanislaus, Merced, Tuolumne, and Mariposa; thence southeasterly, on the eastern line of Merced, as established in section three thousand nine hundred thirty-two, to the place of beginning.

SEC. 24. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred thirty-one and to read as follows:

Mendocino
county.

3931. *Mendocino*. Beginning at the southwest corner of Humboldt, as established in section three thousand nine hundred twenty; thence east on the southern line of Humboldt to the west boundary of Trinity county as established in section three thousand nine hundred sixty-one; thence southerly along said west boundary of Trinity county two miles more or less to the southwest corner of said county as described in said section three thousand nine hundred sixty-one; thence east along the southern boundary of Trinity county to the summit of the Coast Range mountains, forming the southeast corner of Trinity and the northeast corner of Mendocino county and being the western boundary of Tehama county as established in section three thousand nine hundred sixty; thence southerly along the said western boundary of Tehama county to the southwest corner of the said county which is also the northwest corner of Glenn county; thence south along the half section line running south through sections two, eleven, fourteen, and twenty-three to the middle of said section twenty-three in township twenty-two north, range ten west, Mount Diablo base and meridian; thence east along the half section line through sections twenty-three and twenty-four to the southeast corner of the northeast quarter of section twenty-

four; thence south on the range line between ranges nine and ten west, to the southwest corner of section thirty-two in township twenty-two north, range nine west; thence east along the line between and dividing sections five and thirty-two to the southeast corner of said section thirty-two; thence south on the line between and dividing sections four and five, eight and nine, sixteen and seventeen, twenty and twenty-one, twenty-eight and twenty-nine, thirty-two and thirty-three, all in township twenty-one north, range nine west, Mount Diablo base and meridian to the southeast corner of section thirty-two; thence east on the line dividing townships twenty and twenty-one north, range nine west, the same being the fourth standard parallel line north, seven hundred seventy-five feet, more or less, to the northeast corner of section five in township twenty north, range nine west; thence south along the line between and dividing sections four and five, eight and nine, sixteen and seventeen, twenty and twenty-one, twenty-eight and twenty-nine, thirty-two and thirty-three, all of township twenty north, range nine west; thence continuing south along the line between and dividing sections four and five of township nineteen north, range nine west to the southeast corner of the northeast quarter of said section five, township nineteen north, range nine west; thence west along the said half section line through section five and then through sections one and two in township nineteen north, range ten west, Mount Diablo base and meridian, to a point on said line due north from the monument on top of Mount Hull, established by T. P. Smythe and R. P. Hammond and party on October 20, 1885, and approved by H. J. Willey, surveyor general of the State of California, on December 23, 1885; thence due south to said monument; thence due south to the half section line running east and west through section eleven, township nineteen north, range ten west, Mount Diablo base and meridian; thence west along said half section line through sections eleven, ten, nine, eight, and seven of said township, range, base and meridian; and thence through section twelve, township nineteen north, range eleven west, Mount Diablo base and meridian; to the center of said section twelve; thence south one-half mile to the quarter section corner on the south boundary of said section twelve; thence west one mile to the quarter section corner between sections eleven and fourteen, said last mentioned township and range; thence south one-half mile to the center of said section fourteen; thence west one mile to the center of section fifteen, said township and range; thence south along the half section line running through sections fifteen, twenty-two, twenty-seven, and thirty-four, to the quarter section corner on the south line of section thirty-four, said township nineteen north, range eleven west, Mount Diablo base and meridian; thence west along the township line between townships eighteen and nineteen north, range eleven west, Mount Diablo base and meridian, to the northwest corner of lot three, section three, township eighteen north, range eleven west, Mount Diablo base and meridian; thence south along the line dividing the east half of the west half from the west half

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county.

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county.

of the west half of said section three, a distance of one mile to the south boundary line of said section three; thence west along the south boundary of said section three to the corner common to sections three, four, nine, and ten, said township and range; thence south along the section line between sections nine and ten and fifteen and sixteen, a distance of two miles to the corner of sections fifteen, sixteen, twenty-one and twenty-two, said last mentioned township and range; thence east along the line between sections fifteen and twenty-two to the corner of sections fourteen, fifteen, twenty-two and twenty-three, said township nineteen north, range eleven west; thence south along the section line between sections twenty-two and twenty-three, and twenty-six and twenty-seven, a distance of two miles to the corner of sections twenty-six, twenty-seven, thirty-four, and thirty-five, said township and range; thence east along the section line between sections twenty-six and thirty-five, a distance of one-half mile to the quarter section corner between last mentioned sections; thence south along the half section line one mile to the quarter section corner on the south boundary of section thirty-five, township eighteen north, range eleven west, Mount Diablo base and meridian; thence east along the township line on the north boundary of township seventeen north, range eleven west, Mount Diablo base and meridian, to the northeast corner of section two, said township and range; thence south along the section line between sections one and two, and eleven and twelve, a distance of two miles to the corner of sections eleven, twelve, thirteen, and fourteen; thence east along the section line between sections twelve and thirteen, a distance of one-half mile to the quarter section corner between said sections; thence south along the half section line a distance of one mile to the quarter section corner between sections thirteen and twenty-four; thence east along the section line between said sections thirteen and twenty-four, a distance of one-half mile to the line between townships seventeen north, ranges ten and eleven west, Mount Diablo base and meridian; thence south along said line a distance of three miles to the corner of townships sixteen and seventeen north, ranges ten and eleven west, Mount Diablo base and meridian; thence east along the north line of township sixteen north, range ten west, Mount Diablo base and meridian, to the northeast corner of section six, said township and range; thence south along the section line between sections five and six and seven and eight, a distance of one and one-half miles to the quarter section corner between sections seven and eight; thence east along the half section line a distance of one-half mile to the center of said section eight; thence south along the half section line a distance of one and one-half miles to the quarter section corner between sections seventeen and twenty, said township and range; thence west along the section line a distance of one mile to the quarter section corner between sections eighteen and nineteen; thence south along the half section line a distance of one mile to the quarter section corner between sections nineteen and thirty; thence west

one-half mile more or less, to the corner of sections nineteen, twenty-four, twenty-five, and thirty, township sixteen north, ranges ten and eleven west, Mount Diablo base and meridian; thence south along the range line between said ranges ten and eleven, a distance of one-half mile to the quarter section corner on the east boundary of section twenty-five, township sixteen north, range eleven west; thence west along the north line of lot three, section twenty-five, said township and range, a distance of one-quarter mile, more or less, to the northwest corner of said lot three; thence south along the west line of lots three and four, said section twenty-five, a distance of one-half mile to the south boundary of said section twenty-five; thence west along the south line of said section twenty-five to the quarter section corner between sections twenty-five and thirty-six, said township and range; thence south along the half section line, a distance of one-half mile to the center of said section thirty-six; thence west along the half section line a distance of one-fourth mile to the northwest corner of the northeast quarter of the southwest quarter of said section thirty-six; thence south along the west line of the northeast quarter of the southwest quarter and the west line of lot six of said section thirty-six, to the north boundary of township fifteen north, range eleven west, Mount Diablo base and meridian; thence west along said township line to the quarter section corner on the north boundary of section two, township fifteen north, range eleven west, Mount Diablo base and meridian; thence south along the half section line to the quarter section corner between sections two and eleven, said township and range; thence west along the section line between sections two and eleven one-quarter mile to the northwest corner of the east half of the northwest quarter of said section eleven; thence south along the west line of the said east half of the northwest quarter of section eleven, a distance of one-half mile to the half section line running east and west through said section eleven; thence west along said half section line one and three-quarters miles to the center of section nine, said township and range; thence south along the half section line a distance of two and one-half miles to the quarter section corner between sections twenty-one and twenty-eight; thence west along the section line a distance one-half mile to the corner of sections twenty, twenty-one, twenty-eight, and twenty-nine; thence south along the section line a distance of two miles to the line on the north boundary of township fourteen north, range eleven west, Mount Diablo base and meridian; thence east along said township line a distance of three and sixty-five hundredths chains to the northwest corner of section four, township fourteen north, range eleven west, Mount Diablo base and meridian; thence south along the section line a distance of one mile to the corner of sections four, five, eight, and nine, said township and range; thence west along the section line a distance of one-half mile to the quarter section corner between sections five and eight; thence south along the half section line to the quarter section corner on the south boundary of section eight; thence east

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county.

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county.

along the section line between sections eight and seventeen, a distance of five and ninety-hundredths chains more or less, to the quarter section corner on the north boundary of section seventeen; thence south along the half section line a distance of one-half mile to the center of said section seventeen; thence east along the half section line a distance of one-half mile to the quarter section corner between sections sixteen and seventeen; thence south along the section line a distance of one-half mile to the corner of sections sixteen, seventeen, twenty, and twenty-one; thence east along the section line a distance of one mile to the corner of sections fifteen, sixteen, twenty-one and twenty-two; thence south along the section line a distance of one mile to the corner of sections twenty-one, twenty-two, twenty-seven, and twenty-eight; thence east along the section line a distance of one-half mile to the quarter section corner between sections twenty-two and twenty-seven; thence south along the half section line two miles to the north boundary of township thirteen north, range eleven west, Mount Diablo base and meridian; thence east along the township line one-half mile to the northwest corner of section two, said township and range; thence south along the section line a distance of one-half mile to the quarter section corner between sections two and three; thence east along the half section line a distance of one-half mile to the center of said section two; thence south along the half section line a distance of one-half mile to the quarter section corner between sections two and eleven; thence east along the section line a distance of one-half mile to the corner of sections one, two, eleven, and twelve; thence south along the section line a distance of one-half mile to the quarter section corner between sections eleven and twelve; thence east along the half section line a distance of one-half mile to the center of said section twelve; thence south along the half section line a distance of one-quarter mile to the corner of lots two, three, six, and seven, said section twelve; thence east along the south line of lots one and two of said section twelve, a distance of one-half mile to the line between townships thirteen north, ranges eleven and twelve west, Mount Diablo base and meridian; thence north along said range line a distance of nine and twenty-five hundredths chains to the southwest corner of section five, township thirteen north, range ten west, Mount Diablo base and meridian; thence east along the section line a distance of eighty-nine chains to the corner of sections four, five, eight, and nine; thence south along the section line a distance of one mile to the corner of sections eight, nine, sixteen, and seventeen; thence east along the section line a distance of one-half mile to the quarter section corner between sections nine and sixteen; thence south along the half section line a distance of two and one-half miles to the center of section twenty-eight; thence east along the half section line a distance of one-half mile to the quarter section corner between sections twenty-seven and twenty-eight; thence south along the section line a distance of one mile to the quarter section corner between sections thirty-three and thirty-four; thence east along the half

section line, a distance of one-half mile to the center of section thirty-four; thence south along the half section line a distance of one-half mile to the north boundary of township twelve north, range ten west, Mount Diablo base and meridian; thence east along said township line a distance of fifty-five chains to the northeast corner of section three, township twelve north, range ten west; thence south along the section line a distance of one and one-half miles to the quarter section corner between sections ten and eleven; thence east along the half section line a distance of two miles to the line between townships twelve north, ranges nine and ten west, Mount Diablo base and meridian; thence south along the line between said ranges nine and ten a distance of one-half mile to the corner of sections seven, twelve, thirteen, and eighteen, said townships and ranges; thence east along the section line a distance of one mile to the corner of sections seven, eight, seventeen, and eighteen, township twelve north, range nine west, Mount Diablo base and meridian; thence south along the section line a distance of one mile to the corner of sections seventeen, eighteen, nineteen, and twenty; thence east along the section line a distance of one mile to the corner of sections sixteen, seventeen, twenty, and twenty-one; thence south along the section line a distance of one-half mile to the quarter section corner between sections twenty and twenty-one; thence east along the half section line a distance of one mile to the quarter section corner between sections twenty-one and twenty-two; thence south along the section line a distance of one-half mile to the corner of sections twenty-one, twenty-two, twenty-seven, and twenty-eight; thence east along the section line a distance of one mile to the corner of sections twenty-two, twenty-three, twenty-six, and twenty-seven; thence south along the section line a distance of one-half mile to the quarter section corner between sections twenty-six and twenty-seven; thence east along the half section line a distance of one mile to the quarter section corner between sections twenty-five and twenty-six; and thence south along the section line a distance of one-half mile to the corner of sections twenty-five, twenty-six, thirty-five, and thirty-six, township twelve north, range nine west, Mount Diablo base and meridian, said point being the southeast corner of Mendocino and the northeast corner of Sonoma county; thence westerly on the northern line of Sonoma to the Pacific ocean; thence northerly along the ocean shore to the place of beginning.

SEC. 25. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred thirty-two and to read as follows:

3932. *Merced.* Beginning at northwest corner, being southwest corner of Stanislaus as shown on survey and map of A. J. Stakes, 1868; thence northeasterly, on southern line of Stanislaus, as described in section three thousand nine hundred fifty-eight, to common corner of Tuolumne, Mariposa, Merced, and Stanislaus, as established in said section; thence southeasterly, by direct line, being western line of Mariposa, to Phillips' ferry, on Merced river; thence southeasterly, on

Mendocino
county.

Merced
county.

line of Mariposa, being line shown on "map of Mariposa county," to Newton's crossing on Chowchilla creek, forming southeast corner; thence down the northern side and on high-water mark, being on line of Madera to the lower clump of cottonwood timber at the sink of said creek; thence south, forty-five degrees west, to the eastern line of San Benito, forming southwest corner; thence northwesterly, by said line of San Benito and Santa Clara, to the place of beginning.

SEC. 26. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred thirty-three and to read as follows:

Modoc
county.

3933. *Modoc.* Commencing at the northeast corner of the State of California; thence west, along the northern boundary line of said state, to the range line between ranges numbers four and five east, of Mount Diablo base and meridian; thence due south, on said range line, to the southern boundary line of Siskiyou county; thence east along an extension of said southern boundary line, to the state line; and thence north to the place of beginning.

SEC. 27. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred thirty-four and to read as follows:

Mono
county.

3934. *Mono.* Beginning at north corner on state line, being east corner of Alpine, as established in section three thousand nine hundred ten; thence southwesterly, on the easterly line of Alpine, as established in section three thousand nine hundred ten, to the main summit of the Sierra Nevada mountains; thence southerly, along said summit, on easterly line of Alpine, Tuolumne, Madera, and Fresno, to a point where the northern line of township six south, Mount Diablo base, intersects said summit line, forming southwest corner; thence east, on said township line, being the northern line of Inyo, to the eastern line of the state, forming southeast corner; thence northwest, on the state line, to the place of beginning.

SEC. 28. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred thirty-five and to read as follows:

Monterey
county.

3935. *Monterey.* Beginning in Pacific ocean, at southwest corner of Santa Cruz, as established in section three thousand nine hundred fifty-two; thence east to the mouth of Pajaro river, on the bay of Monterey; thence up said stream to a point in its center, said point being the northwest corner of the Rancho las Arroyitas y Agua Caliente, and being also the northwest corner of San Benito county, and running thence in a southerly direction along the southwest boundary of said rancho to the southwest corner thereof; thence southerly in a direct line to the northwest corner of the Rancho las Vergelas; thence southerly in a direct line to the summit of the Gabilan range of mountains; and thence southeasterly along the summit of said Gabilan mountains to the Chalona peak; thence southeasterly in a direct line to the division line of the parts of the San Lorenzo Sobran's owned respectively by Breen and Dunn; thence along said dividing line of said rancho to the

southern boundary thereof; thence due south to the San Lorenzo creek; thence southeasterly up said San Lorenzo or Lewis creek, and up the north fork thereof, to the summit of the divide between the waters of said Lewis creek and San Benito creek; thence, following said divide southerly, to the summit of the Coast Range of mountains, this being the common corner of Monterey, San Benito and Fresno counties; thence southeasterly along the summit of the Coast Range to the sixth standard south, Mount Diablo base, being the common corner of San Luis Obispo, Kern, Tulare, and Monterey; thence following the northern boundary of San Luis Obispo county, on said standard line and extension thereof, to the Pacific ocean; thence along the shore northerly to the place of beginning.

SEC. 29. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred thirty-six and to read as follows:

3936. *Napa.* Beginning at southwestern corner, at a point in Huichica creek where the said creek empties into San Pablo bay; thence east to the mountains dividing Napa valley from Suisun valley, forming southeastern corner; thence northerly along the summit line of said mountains to its intersection with the first standard north, Mount Diablo base, marked by a rock monument erected by Ralph Norris; thence east along said standard line seven and three-fourths miles to Vaca mountains, which divide the Vaca and Suisun valleys; thence northerly along the main ridge of said Vaca mountains to Putah creek, at a point called the Devil's Gate; thence northerly across said creek to and along the mountains dividing Berryessa valley from Sacramento valley to the southeast corner of Lake county on the western line of Yolo; thence southwesterly along the southern line of Lake, as established in section three thousand nine hundred twenty-five, to its intersection with the eastern line of Sonoma; thence southeasterly on said line of Sonoma to the western branch of the headwaters of Huichica creek; thence westerly to the main ridge that divides the Huichica valley from the Sonoma valley; thence southerly along the said dividing ridge to the tule bordering on San Pablo bay; thence southerly to the center of the Huichica creek; thence down said creek to its mouth, the place of beginning.

SEC. 30. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred thirty-seven and to read as follows:

3937. *Nevada.* Beginning at the northwest corner, at a point in the main Yuba river, at the mouth of Deer creek; thence up the main Yuba to the mouth of the middle Yuba; thence up the latter to the mouth of the south fork of the same; thence up the south fork to the Bent monument situated at the falls of said south fork, in the northwest quarter of section ten, township eighteen north, range thirteen east, Mount Diablo meridian, and being one thousand feet, or thereabouts, southwest from the quarter-section corner between sections three and ten, township and range aforesaid; thence to the eastern line of the state, all on the southeastern and

southern lines of Yuba and Sierra; then south, along the state line to the northeast corner of Placer, as established in section three thousand nine hundred thirty-nine; thence westerly, on the northern line of Placer, as established in said section, to the source of Bear river; thence down Bear river, to a point south of the junction of Deer creek and the main Yuba, forming southwest corner; thence north, to the place of beginning.

SEC. 31. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred thirty-eight and to read as follows:

Orange
county.

3938. *Orange.* Beginning at the northwest corner of San Diego county at a point in the Pacific ocean opposite San Mateo point; thence northerly along the northwestern boundary of San Diego county, as defined in section three thousand nine hundred forty-five, to the southwest corner of Riverside county; thence northerly along the western boundary of said county, as defined in section three thousand nine hundred forty-one, to the corner common to Riverside, San Bernardino and Orange counties; thence northwesterly along the southwest boundary of San Bernardino county to the point of intersection of said boundary with the southerly line of township two south, range nine west; thence westerly along the township line between townships two and three south, San Bernardino base and meridian, to the corner common to townships two and three south, ranges ten and eleven west, San Bernardino base and meridian; thence southerly along the range line between ranges ten and eleven west, San Bernardino base and meridian, to the southeast corner of section thirteen, township three south, range eleven west, in the Rancho Los Coyotes; thence in a general southwestery direction along section lines, quarter section lines and quarter quarter section lines in the Rancho Los Coyotes, as follows: westerly along section line to the quarter corner on the south line of said section thirteen; thence southerly along quarter section line to the center of section twenty-four, township three south, range eleven west; thence westerly along quarter section line to the quarter corner on the west line of said section twenty-four; thence southerly along section line to the southwest corner of said section twenty-four; thence westerly along section line to the quarter corner on the north line of section twenty-six, township three south, range eleven west; thence southerly along quarter section line to the center of said section twenty-six; thence westerly along quarter section line to the quarter corner on the west line of said section twenty-six; thence southerly along section line to the southwest corner of said section twenty-six; thence westerly along section line to the northeast corner of section thirty-three, township three south, range eleven west; thence southerly along section line to the quarter corner on the east line of said section thirty-three; thence westerly along quarter section line to the center of said section thirty-three; thence southerly along quarter section line to the northeast corner of the southeast one-quarter of the southwest one-quarter of said section thirty-

three; thence westerly along quarter quarter section line to the center of the southwest one-quarter of said section thirty-three; thence southerly along quarter quarter section line to the south line of said section thirty-three; thence westerly along the township line between townships three and four south, to the northeast corner of section five, township four south, range eleven west; thence southerly along section line to the northeast corner of the southeast one-quarter of said section five; thence westerly along quarter section line to the northwest corner of the northeast one-quarter of the southeast one-quarter of said section five; thence southerly along quarter quarter section line to the center of the southeast one-quarter of said section five; thence westerly along quarter quarter section line to the westerly line of the southeast one-quarter of said section five; thence southerly along quarter section line to the quarter corner on the south line of said section five; thence westerly along section line to the northeast corner of the northwest one-quarter of the northwest one-quarter of section eight, township four south, range eleven west; thence southerly along quarter quarter section lines to the northeast corner of the southwest one-quarter of the southwest one-quarter of said section eight; thence south-westerly in a straight line to the northeast corner of section eighteen, township four south, range eleven west; thence south zero degrees, eleven minutes, fifty seconds east, along section line to the boundary line between Rancho Los Coyotes and Rancho Los Alamitos; thence south fifty-nine degrees, seven minutes, forty seconds west, a distance of three thousand three hundred ninety-one and forty-eight hundredths feet; thence south thirty-nine degrees, forty-eight minutes, twenty seconds west, a distance of five thousand six hundred fifty and ninety-seven hundredths feet; thence south eleven degrees, thirty-six minutes, fifty-five seconds west, a distance of two thousand two hundred forty-one and forty-one hundredths feet; thence south twenty-seven degrees, fifty-five minutes, fifty-five seconds west, a distance of eight thousand three hundred seventy-five and forty hundredths feet; thence south thirty-one degrees, twenty-two minutes, fifty seconds east, a distance of one thousand two hundred ninety-six and twenty-one hundredths feet; thence south twenty-seven degrees, twelve minutes, zero seconds east, a distance of two thousand one hundred six and ten hundredths feet; thence south sixteen degrees, forty-six minutes, forty-five seconds east, a distance of one thousand four hundred forty-four and eighty-two hundredths feet; thence south two degrees, forty-eight minutes, thirty-five seconds east, a distance of two thousand two hundred seven and ninety-four hundredths feet; thence south fifty-seven degrees, ten minutes, forty seconds west, a distance of eight thousand two hundred thirty-eight and seventy-eight hundredths feet; thence south thirty-three degrees, zero minutes, zero seconds west, a distance of six hundred twenty-two and forty-three hundredths feet to a point on the northeasterly line of block fifty-nine, Alamitos bay tract, as shown on

Orange
county.

map recorded in map book 5, page 137, on file in the office of the recorder of the county of Los Angeles, distant thereon south fifty-seven degrees, fifty minutes, forty-five seconds east, a distance of four hundred twenty-eight and ninety-one hundredths feet from the most northerly corner of said block fifty-nine; thence continuing south thirty-three degrees, zero minutes, zero seconds west, a distance of three miles, more or less to the southwesterly boundary line of the State of California (the boundary line between Los Angeles and Orange counties hereinabove described and hereby established being shown on county surveyor's map No. 8175 on file in the office of the surveyor of the county of Los Angeles; and likewise on map No. 300 on file in the office of the surveyor of Orange county); thence southeasterly by state line to point of beginning.

SEC. 32. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred thirty-nine and to read as follows:

Placer
county.

3939. *Placer*. Beginning at a point where the west line of township ten north, range five east, Mount Diablo meridian, intersects the northern line of Sacramento county, as established in section three thousand nine hundred forty-two; thence north on range line to the northwest corner of section six, in township ten north, range five east; thence east on township line to the southwest corner of section thirty-one, township eleven north, range five east; thence north on range line to the northwest corner of township twelve north, range five east; thence east to the southwest corner of section thirty-four township thirteen north, range five east; thence north to Bear river; thence on the southern line of Yuba and Nevada counties, up said river to its source; thence east in a direct line to the eastern line of the State of California, forming the northeast corner; thence southerly along said line to the northeast corner of El Dorado county, as established in section three thousand nine hundred seventeen; thence westerly, on the northern lines of El Dorado and Sacramento counties, as established in section three thousand nine hundred seventeen, and section three thousand nine hundred forty-two, to the place of beginning.

SEC. 33. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred forty and to read as follows:

Plumas
county.

3940. *Plumas*. Beginning at the corner common to Plumas, Butte and Yuba counties, situated in the northwest quarter of section fifteen, township twenty north, range eight east, Mount Diablo base and meridian and indicated by a large spruce tree standing in front of the Buckeye House marked "Corner of Plumas, Butte and Yuba" and running thence northeasterly by direct line to the corner common to Plumas, Sierra and Yuba counties in Slate creek situated in the northeast quarter of section thirty-one, township twenty-one north, range nine east, Mount Diablo base and meridian at a point where the third course or terminating north and south line of

survey of Keddie and Church, made June 19, 1866, crosses said creek; thence northeasterly up said creek to its intersection with the first north and south line of said survey in the northeast quarter of section eleven, township twenty-one north, range nine east, Mount Diablo base and meridian; thence north along said line to the initial point thereof, being the summit line of the ridge dividing the waters of the Feather river from the waters of the Yuba river, situate in the southeast quarter of section twenty-six, township twenty-two north, range nine east, Mount Diablo base and meridian; thence easterly, on said summit line, and east to "The Falls" about one mile below the outlet of Gold lake; thence east to the range line between township twenty-one north, range thirteen east, and township twenty-one north, range fourteen east, Mount Diablo meridian; thence north on said range line, to the northwest corner of township twenty-one north, fourteen east, Mount Diablo base and meridian; thence east on the line between townships twenty-one and twenty-two north, Mount Diablo base, to the corner common to Plumas, Lassen and Sierra counties, said corner being the southeast corner of Plumas county and the southwest corner of Lassen county, said point also being the corner common to sections one and two, township twenty-one north, range sixteen east, Mount Diablo base and meridian, and sections thirty-five and thirty-six, township twenty-two north, range sixteen east, Mount Diablo base and meridian; thence northwesterly, on the southwestern irregular line of Lassen, as established in section three thousand nine hundred twenty-six, to the corner common to Shasta, Lassen and Plumas, as established in said section; thence west nine miles more or less on the southern line of Shasta to the northeast corner of Tehama, as established in section three thousand nine hundred sixty; thence southerly, on the ridge, being eastern line of Tehama, to the common corner of Tehama, Butte and Plumas counties, as established in section three thousand nine hundred twelve; thence southerly along the eastern boundary of Butte county, as established in said section, to the place of beginning.

Sec. 34. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred forty-one and to read as follows:

3941. *Riverside*. Beginning at the corner common to Orange, San Bernardino and Riverside counties, being located at the point of intersection of the easterly boundary of the El Canon de Santa Ana rancho with course number seven of the boundary line, established by joint survey in December, 1876, and January, 1877, as the line between Los Angeles and San Bernardino counties; thence southeasterly along said line of survey to the point of beginning of said joint survey, it being upon the northern boundary of San Diego county, as it was then established; thence southwesterly to a point on the eastern line of Rancho Mission Viejo or La Paz two miles north of the south boundary of township seven south, San

River-side
county.

Bernardino base and meridian; thence south along said boundary to the point of intersection of said line with the township line between township seven south and township eight south, San Bernardino base and meridian; thence easterly along said township line to its intersection with western boundary of Santa Rosa rancho; thence southerly along the boundary of said rancho to where said boundary of said rancho intersects the range line between the townships eight south, three west, and eight south, four west; thence south on said range line to the point of intersection of the said line with the second standard parallel south; thence east along said parallel to the eastern boundary of the State of California; thence northerly along the said eastern boundary of the State of California to its point of intersection with the east and west center line of township one south, range twenty-four east, San Bernardino base and meridian, or the prolongation thereof; thence westerly along section lines to the southeast corner of section seventeen, township one south, range sixteen east, San Bernardino base and meridian; thence south to the southeast corner of section thirty-two, same township and range, said point being on the township line between townships one and two south, San Bernardino base and meridian; thence west on said township line to the northeast corner of township two south, range one west, San Bernardino base and meridian, thence south to the southeast corner of section twelve, township two south, range one west, San Bernardino base and meridian; thence west to the southwest corner of section eight, township two south, range three west, San Bernardino base and meridian; thence north to the northwest corner of said section eight; thence west to the quarter corner of the south line of section two, township two south, range five west, San Bernardino base and meridian; thence north to the quarter corner on the north line of said section two; thence west to the southwest corner of section thirty-one, township one south, range six west; thence south along section lines to the northern boundary of the Jurupa rancho; thence southwest-erly along said north boundary to the northwest corner of said rancho; thence south along the west boundary of said Jurupa rancho to the quarter corner on the east line of section nine, township three south, range seven west; thence west in a direct line to center of section seven, same township and range; thence south in a direct line, to the quarter corner on the south line of section nineteen, township three south, range seven west, thence west to the east boundary of the El Cañon de Santa Ana rancho; thence southerly along the easterly boundary of said rancho to the place of beginning.

Sec. 35. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred forty-two and to read as follows:

Sacramento
county.

3942. *Sacramento.* Beginning on the northern line of the county, at a point ten miles north of a point which was, on the thirtieth of March, 1857, the mouth of the American river; thence easterly to the junction of the north and south forks

of said river; thence up the principal channel of the south fork to a point one mile above Mormon island, so as to include said island in Sacramento county, forming the northeast corner; thence southerly to a point on the Cosumnes river, eight miles above the house of William Daylor; thence south to Dry creek, forming southeast corner; thence down said Dry creek to its entrance into Mokelumne river; thence down the Mokelumne river to a point where said river divides into east and west branches; thence down the west branch to its junction with the east branch; thence down said river to its junction with the San Joaquin river; thence down the San Joaquin river to the mouth of the Sacramento river, at the head of Suisun bay, forming southwest corner; thence up the Sacramento river to the mouth of Steamboat slough, formerly called Merritt slough; then up said slough to the mouth of Sutter slough; thence up said Sutter slough to the Sacramento river; then up the Sacramento river to a point west of the place of beginning, forming the northeast corner of Sacramento county; thence east to the place of beginning.

SEC. 36. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred forty-three and to read as follows:

3943. *San Benito*. Commencing at a point in the center of the Pajaro river, said point being the northwest corner of the Rancho las Arromitas y Agua Caliente, and being on the northern boundary line of Monterey county, and running thence in a southerly direction along the southwest boundary of said rancho to the southwest corner thereof; thence southerly in a direct line to the summit of the Gabilan range of mountains, and thence southeasterly along the summit of said Gabilan mountains to the Chalone peak; thence southeasterly in a direct line to the division line of the parts of the San Lorenzo Sobrantes rancho owned respectively by Breen and Dunn; thence along said dividing line of said rancho to the southern boundary thereof; thence due south to the San Lorenzo creek; thence southeasterly up the center of said San Lorenzo or Lewis creek, and up the north fork thereof, to the summit of the divide between the waters of said Lewis creek and San Benito creek; thence following said divide southerly to the eastern boundary of Monterey county and the summit of the Coast Range mountains; thence northerly, following the summit of said mountains to where the range line between townships eighteen south, of ranges twelve and thirteen east, Mount Diablo meridian, crosses the same; thence northerly along said range line to the northeast corner of township eighteen south, range twelve east; thence northerly along said township line to the south line of township sixteen south, range thirteen east, Mount Diablo base and meridian; thence west to the southeast corner of township sixteen south, range twelve east, Mount Diablo base and meridian; thence northwest in a straight line to the northeast corner of township fourteen south, range nine east; thence in a straight line northwesterly, running toward the northeast corner of town-

ship thirteen south, range seven east, to a point where said line intersects the present boundary line between the counties of San Benito and Merced; thence along the present boundary line between the counties of San Benito and Merced to the northeast corner of San Benito county and southeast corner of Santa Clara county; thence following the present county line between the counties of Santa Clara and San Benito, and Santa Cruz and San Benito, to the place of beginning.

Sec. 37. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred forty-four and to read as follows:

San Bern-
nardino
county.

3944. *San Bernardino.* Beginning at the northwest corner of section one, township twenty-five south, range forty east, Mount Diablo base and meridian; thence east along the township line between townships twenty-four and twenty-five south of the Mount Diablo base line, to the San Bernardino meridian line; thence along said San Bernardino meridian line to the quarter section corner on the west line of section thirty, township twenty north, range one east, San Bernardino base and meridian; thence east following the one-half section line to the eastern boundary of the State of California; thence southeasterly and southerly along said state line to its intersection with the east and west center line of township one south, range twenty-four east, San Bernardino base and meridian, or the prolongation thereof; thence westerly along the northern boundary of Riverside county as defined in section three thousand nine hundred forty-one to the corner common to Orange, Riverside and San Bernardino counties; thence northwesterly along the boundary line established by joint survey in December, 1876, and January, 1877, as the line between Los Angeles and San Bernardino counties to the corner common to San Bernardino, Los Angeles and Orange counties as defined in section three thousand nine hundred twenty-seven; thence northerly along the eastern boundary of Los Angeles county as defined in said section to the corner common to Los Angeles, Kern and San Bernardino counties, situated at the northeast corner of township eight north, range eight west, San Bernardino base and meridian; thence east on township line between townships eight and nine north of San Bernardino base line to the section line between sections thirty-two and thirty-three, township nine north, range seven west, San Bernardino base and meridian; thence north following section lines to the eighth standard parallel south of Mount Diablo base line; thence east along said eighth standard parallel to the southwest corner of township thirty-two south, range forty-one east, Mount Diablo base and meridian; thence north along township line to the seventh standard parallel south of Mount Diablo base line; thence along said standard parallel to the southwest corner of section thirty-six, township twenty-eight south, range forty east, Mount Diablo base and meridian; thence north along section lines to the northwest corner of section one, township twenty-five

south, range forty east, Mount Diablo base and meridian, said point being the place of beginning.

SEC. 38. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred forty-five and to read as follows:

3945. *San Diego*. Beginning at the southwest corner of the State of California as described in article twenty-one of the constitution of the State of California; thence easterly along the international boundary line between the United States and Mexico to its intersection with the range line between ranges eight east and nine east of San Bernardino meridian; thence northerly along the range lines between said ranges eight east and nine east, which is also the westerly boundary of Imperial county, as established by section three thousand nine hundred twenty-one, to the northeast corner of township nine south, range eight east, which point is also on the southerly boundary line of Riverside county, as established by section three thousand nine hundred forty-one; thence west along the second standard parallel south, San Bernardino base, which is also the south boundary line of Riverside county, to the range line between township eight south, range three west and township eight south, range four west; thence north along said range line to the southerly boundary of the Rancho Santa Rosa; thence northwesterly and northerly along the boundary line of said Rancho Santa Rosa to the township line between township seven south and township eight south, San Bernardino base and meridian; thence west along said township line to the easterly line of the Rancho Mission Viejo or La Paz, which is also the south-easterly boundary line of Orange county, as established by section three thousand nine hundred thirty-eight; thence following said southeasterly boundary of Orange county southerly and westerly along the easterly and southerly line of said Rancho Mission Viejo or La Paz to the most westerly line of the Rancho Santa Margarita y Las Flores; thence southerly along said westerly line of said Rancho Santa Margarita y Las Flores to the shore line of the Pacific ocean, and continuing in the same direction to a point three English miles in said Pacific ocean, which point is on the westerly boundary line of the said State of California; thence southerly along said westerly boundary line of the State of California to the place of beginning.

SEC. 39. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred forty-six and to read as follows:

3946. *San Francisco*. Beginning at the southwest corner, being northwest corner of San Mateo, in Pacific ocean, on the extension of northern line of township three south, of Mount Diablo base; thence northerly along the Pacific coast, to its point of intersection with westerly extension of low-water line on northern side of the entrance to San Francisco bay, being southwest corner of Marin and northwest corner of San Francisco; thence easterly, through Point Bonita and Point

Cavallo, to the most southeastern point of Angel island, all on the line of Marin, as established in section three thousand nine hundred twenty-nine; thence northerly, along the easterly line of Marin, to the northwest point of Golden rock (also known as Red rock), being a common corner of Marin, Contra Costa, and San Francisco; thence due southeast four and one-half statute miles to a point hereby established as the corner common to Contra Costa, Alameda, and San Francisco; thence southeasterly, on the western line of Alameda county to a point on the north line of township three south, range four west, Mount Diablo base and meridian; thence westerly on township lines and an extension thereof to the place of beginning. The islands known as the Farallones (Farallons) shall be attached to and be a part of said city and county.

SEC. 40. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred forty-seven and to read as follows:

San Joaquin
county.

3947. *San Joaquin.* Beginning at the junction of the San Joaquin and Mokelumne rivers, on the line of Sacramento county; thence up the latter to the mouth of Dry creek; thence up Dry creek to the southeast corner of Sacramento, as established in section three thousand nine hundred forty-two; thence southeasterly, to a point on Mokelumne river, being the point of beginning of survey of Boucher and Wallace of line between San Joaquin and Calaveras counties, May, 1864; thence southeasterly, on the line of said survey, to the extreme northern corner of Stanislaus county, on north side of and near to Calaveras river, at a point on western line of range ten east, Mount Diablo meridian, as established by survey of George E. Drew, approved May, 1860, shown on map of said survey; thence south, on said range line, to Stanislaus river; thence down said river to its confluence with the San Joaquin; thence southwest, to the summit of the Coast Range, as shown on survey and map of Wallace and Stakes, May, 1868, and forming the common corner of San Joaquin, Stanislaus, Santa Clara, and Alameda, as shown also on map of Boardman and Stakes, July, 1868; thence northwesterly and northerly along the eastern boundary of Alameda county as established in section three thousand nine hundred nine to the corner common to Alameda, Contra Costa and San Joaquin; thence due east to the center of the west channel of the San Joaquin river; thence down the said west channel to its confluence with the main river; thence down said river to the place of beginning.

SEC. 41. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred forty-eight and to read as follows:

San Luis
Obispo
county.

3948. *San Luis Obispo.* Beginning in Pacific ocean, at northwestern corner of Santa Barbara, as established in section three thousand nine hundred fifty; thence easterly, on the northern line of Santa Barbara, up the Santa Maria river, to intersection of southern line of township ten north, San Bernardino base; thence east on said line to the southeast corner

of section thirty-one, in township ten north, of range twenty-four west, of San Bernardino base and meridian; thence north on dividing section lines between thirty-one and thirty-two, thirty and twenty-nine, nineteen and twenty, eighteen and seventeen, seven and eight, six and five, to the northeast corner of section six, in the said township ten north, range twenty-four west of San Bernardino base and meridian; thence continuing north through township eleven north, range twenty-four west of San Bernardino base and meridian, on section lines between sections thirty-one and thirty-two, thirty and twenty-nine, nineteen and twenty, eighteen and seventeen, seven and eight, six and five, to the northeast corner of section six in said township eleven north, of range twenty-four west, of San Bernardino base and meridian; thence west on township line between townships eleven and twelve north, range twenty-four west, of San Bernardino base and meridian, and along the north boundary of section six to the northwest corner of said township eleven north, range twenty-four west, of San Bernardino base and meridian; thence north, between sections thirty-one (in fractional township twelve north, range twenty-four west), and section thirty-six (in fractional township twelve north, range twenty-five west), to the eighth standard parallel south of Mount Diablo base and meridian; thence westerly on the said eighth standard parallel south to the corner common to townships thirty-two south, range twenty-two east, and thirty-two south, range twenty-three east, of Mount Diablo meridian; thence northerly, as per the United States survey, on line between said townships and ranges last above named, to the northeast corner of the said township thirty-two south, range twenty-two east, of Mount Diablo meridian; thence westerly on the north boundary of said last above named township and range to the corner common to township thirty-one south, range twenty-one east, and thirty-two south, range twenty-one east of Mount Diablo meridian; thence north to the northeast corner of said township thirty-one south, range twenty-one east, of Mount Diablo meridian; thence west eight miles to the southwest corner of section thirty-five, in township thirty south, range twenty east; thence north on section line between sections thirty-four and thirty-five, twenty-seven and twenty-six, twenty-two and twenty-three, fifteen and fourteen, ten and eleven, and three and two, to the northeast corner of section three in said township thirty south, range twenty east, of Mount Diablo meridian; thence west four miles to the northwest corner of said last above named township and range; thence north to the northeast corner of township twenty-nine south, range nineteen east; thence west to the northwest corner of said township twenty-nine south, range nineteen east, of Mount Diablo meridian; thence west one mile to the southeast corner of section thirty-five, in township twenty-eight south, range eighteen east, of Mount Diablo meridian; thence north to the northeast corner of section twenty-six, in said township twenty-eight south, range eighteen east; thence west to the northwest corner of

San Luis
Obispo
county.

said section twenty-six; thence north to the northeast corner of section twenty-two; thence west to the northwest corner of said section twenty-two; thence north to the northeast corner of section sixteen; thence west to the northwest corner of said section sixteen; thence north to the northeast corner of section eight; thence west to the northwest corner of said section eight; thence north to the township line at the northeast corner of section six; thence west to the northwest corner of said township twenty-eight south, range eighteen east; thence north on range line to northeast corner of township twenty-seven south, range seventeen east, of Mount Diablo meridian; thence west on township line to the northwest corner of said last above named township; thence north, on range line between township twenty-six south, range sixteen east, and township twenty-six south, range seventeen east, to the northeast corner of said township twenty-six south, range sixteen east; thence north on said range line between township twenty-five south, range sixteen east, and township twenty-five south, range seventeen east, of Mount Diablo meridian, to the northeast corner of said township twenty-five south, range eighteen east, on the sixth standard parallel south of Mount Diablo base; thence west on said standard parallel and extension thereof to the Pacific ocean; thence southerly along the shore to the place of beginning.

SEC. 42. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred forty-nine and to read as follows:

San Mateo
county.

3949. *San Mateo*. Beginning at the southwest corner, being the west corner of Santa Cruz county as established in section three thousand nine hundred fifty-two; thence on the northwestern line of Santa Cruz county as established in said section, to the southwestern line of Santa Clara county, being the summit line of the Santa Cruz mountains; thence northwesterly by said summit line to the source of San Francisquito creek; thence down the south branch thereof, and down said creek to its mouth; thence to a point in the middle of San Francisco bay, opposite said mouth, forming a common corner of San Mateo, Santa Clara, and Alameda counties; thence in a direct line to a point in the center of ship channel in the bay of San Francisco west of and opposite to Dumbarton point; thence in a direct line to the southeast corner of San Francisco city and county; thence westerly on the boundary line between the counties of San Mateo and San Francisco (said line being the north boundary of San Mateo county, between San Mateo county and San Francisco county and the south boundary of San Francisco county between the counties of San Mateo and San Francisco), as the same was surveyed, established and marked by Charles S. Tilton, city and county surveyor of the city and county of San Francisco, William B. Gilbert, county surveyor of the county of San Mateo, and D. Bromfield, assistant civil engineer, of the county of San Mateo, between August 28 and December 28, 1898, and being the north boundary line of the county of San Mateo, and the south boundary

line of the county of San Francisco, and marked by granite monuments eight inch by eight inch square set three feet in the ground in a bed of concrete three feet square and three feet in the ground, on section and quarter-section corners, on township line between townships two and three south, ranges five and six west, Mount Diablo meridian, and the line being marked on each monument by a copper nail in a plug of lead which has been countersunk into the top of the monument, and on the dressed faces the letters "S. F." being cut into the stone on the San Francisco side of the line, and the letters "S. M." being cut into the stone in the San Mateo side of the line, and the bearing of the said line being determined by stellar observation as north eighty-nine degrees forty-nine and one-half minutes east, to the southwest corner of the said boundary line of San Francisco city and county in the Pacific ocean, and thence southerly along the ocean shore to the point of beginning. The eastern boundary of San Mateo county shall be in the western boundary of Alameda county, in so far as the same borders on San Mateo county.

SEC. 43. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred fifty and to read as follows:

3950. *Santa Barbara.* Beginning at the western corner of Ventura as established in section three thousand nine hundred sixty-four; thence northerly, on westerly line of Ventura, as described in said section, to point of intersection with the southern line of township ten north, San Bernardino base; said point being on the southern boundary of Kern and being the common corner of Santa Barbara and Ventura counties; thence west on said township line, to the Santa Maria river; thence down said river to a point in the Pacific ocean opposite the mouth of said river, forming northwest corner; thence southeasterly, by the ocean shore, to the place of beginning; including the islands of Santa Barbara, San Miguel, Santa Rosa, and Santa Cruz.

Santa
Barbara
county.

SEC. 44. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred fifty-one and to read as follows:

3951. *Santa Clara.* Beginning at a point distant north thirty degrees west, one thousand two hundred fifty-four feet from the southwest corner of section twenty-two, township five south, range two west, Mount Diablo base and meridian; said point being hereby established as the corner common to San Mateo, Santa Clara and Alameda counties; thence southeasterly in a direct line to the southwest corner of section twenty-six, township five south, range two west, Mount Diablo base and meridian; thence easterly in a direct line to the point where the center of the Coyote river is intersected by the west line of township five south, range one west, Mount Diablo base and meridian; thence easterly along the center of the Coyote river to a point from which a sandstone monument set on the southwesterly side of the county road leading from San Jose to Oakland, or state highway, as described in the

Santa Clara
county.

field notes of the survey of the boundary line between the counties of Alameda and Santa Clara, filed June 2, 1873, in the office of the clerk of Santa Clara county, California, bears north fifty-seven degrees, thirty-five minutes east, four thousand three hundred forty feet distant, more or less; thence north fifty-seven degrees, thirty-five minutes east, four thousand three hundred forty feet, more or less, to said sandstone monument; thence northeasterly and easterly along the boundary line between Alameda and Santa Clara counties, as described in the field notes of said survey, to the corner common to Alameda, San Joaquin, Stanislaus and Santa Clara counties; thence southeasterly following the summit of the Coast Range to the corner common to San Benito, Merced and Santa Clara counties, situated in section twenty-one, township eleven south, range seven east, Mount Diablo base and meridian, as established by Charles T. Healy, deputy surveyor general of California in September, 1858; thence westerly on the present surveyed line between Santa Clara and San Benito counties to a point on the San Felipe creek, near San Felipe lake; thence around the eastern and northern side of said lake to the Pajaro river; thence down said river to the southwest corner of Santa Clara county and the southeast corner of Santa Cruz county, as established in section three thousand nine hundred fifty-two; thence northwesterly, following the summit of the Santa Cruz mountains, being northeasterly boundary of Santa Cruz county, to the head of the south fork of the San Francisquito creek; thence down said creek to its mouth; thence in a direct line to the place of beginning.

SEC. 45. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred fifty-two and to read as follows:

Santa Cruz
county.

3952. *Santa Cruz.* Beginning at the south corner of San Mateo county, at a point in the Pacific ocean south forty-five degrees west, three nautical miles from the intersection of the east line of Rancho Punta del Año Nuevo with said ocean, forming western corner; thence north, forty-five degrees east, to said point of intersection; thence northerly, following the eastern line of said rancho, to its intersection with the south line of township eight south, range four west, Mount Diablo base and meridian; thence east to the southeast corner of said township; thence north to the northeast corner of section twenty-five of said township; thence east to the northeast corner of section twenty-six, township eight south, range three west; thence north to the summit of Santa Cruz mountains, being western line of Santa Clara county; thence southeasterly along the summit of said mountains, on the western line of Santa Clara to the Pajaro river, forming southeast corner, on northern line of San Benito; thence westerly along said river, on northern line of San Benito and Monterey, to the bay of Monterey, and three miles westerly into the ocean, forming southwest corner; thence northwesterly along a course three nautical miles distant from the shore to the point of beginning.

SEC. 46. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred fifty-three and to read as follows:

3953. *Shasta*. Beginning at the northern line of Tehama, at the head of Bloody island, in Sacramento river; thence to and down the eastern channel to the mouth of Battle creek; thence easterly, up Battle creek, by the main channel, to the mouth of the middle fork, known as Digger creek; thence up Digger creek to its head; thence east to a point south of Black Butte mountain, forming southeast corner; thence north, on western line of Lassen, to a rock mound forming northeast corner, on southern line of Siskiyou; thence west, on said southern line, to Castle rock, forming northwest corner; thence southerly along Trinity mountain to the head of Bee Gum creek, forming southwest corner; thence easterly down Bee Gum, Middle Fork, and Cottonwood creeks to the western channel of Sacramento river; thence, by direct line, to the point of beginning.

Shasta
county.

SEC. 47. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred fifty-four and to read as follows:

3954. *Sierra*. Beginning at the south corner of Plumas, in the center of Slate creek, as established in section three thousand nine hundred forty; thence easterly on southern line of Plumas, as established in said section, to the range line between township twenty-one north, range thirteen east, and township twenty-one north, range fourteen east, Mount Diablo meridian; thence north on said range line, to the northwest corner of township twenty-one north, fourteen east, Mount Diablo base and meridian; thence east on the line between townships twenty-one and twenty-two north, Mount Diablo base, to the state line forming the northeast corner; thence south on said state line to the northeast corner of Nevada county, a point east of the Bent monument, situated as described in section three thousand nine hundred thirty-seven; thence west to the said Bent monument; thence down the south fork of the middle Yuba river and down the middle Yuba river to a point ten miles above the mouth of the latter; thence in a straight line northerly to a point on the north fork of the Yuba river known as Outeye Foster's bar; down said river to the mouth of Big Cañon creek, and then up said creek four miles; thence in a straight line to the point of beginning.

Sierra
county.

SEC. 48. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred fifty-five and to read as follows:

3955. *Siskiyou*. Commencing on the northern line of the State of California at the northeast corner of Del Norte, as described in section three thousand nine hundred sixteen, being on the summit of a spur of the Siskiyou range of mountains; thence southerly along the eastern line of Del Norte county to the northern line of Humboldt county, as

Siskiyou
county.

defined in section three thousand nine hundred twenty; thence easterly and southerly along the northern and eastern line of Humboldt county to the northwest corner of Trinity county; thence along the northern boundary of Trinity county, as defined in section three thousand nine hundred sixty-one, to the northwest corner of Shasta county at Castle Rock, as defined in section three thousand nine hundred fifty-three; thence due east to the range line between ranges four and five east of Mount Diablo base and meridian; thence north along said range line to the northern boundary of the State of California; thence due west along said state boundary line to the place of beginning.

Sec. 49. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred fifty-six and to read as follows:

Solano
county.

3956. *Solano*. Beginning at southwest corner, in San Pablo bay, at common corner of Contra Costa, Sonoma, Marin, and Solano, as established in section three thousand nine hundred fifteen; thence north, twenty-six and one-half degrees west, about six and one-quarter miles on the eastern line of Sonoma, as established in section three thousand nine hundred fifty-seven, to the southwest corner of Napa at the mouth of the Huichica creek; thence east, on southern line of Napa, to the southeast corner thereof, as established in section three thousand nine hundred thirty-six; thence north, on line of Napa, as established in said section, to the first standard north; thence east along said standard, on said Napa line, to the summit of Vaca mountains; thence northerly, on said summit and Napa line, to Devil's Gate, on Putah creek, which point forms the northwest corner of Solano and southwest corner of Yolo; thence easterly, on line of Yolo, down said creek and old bed thereof, to its intersection with western line of range three east, Mount Diablo meridian, forming the northeast corner of Solano, with exterior angle in Yolo; thence south, along line of Yolo, on said range line, two and seven-tenths miles, to the north line of township seven north, Mount Diablo base; thence east, nine and seventy-two one-hundredths chains, to northeast corner of said township; thence south, to the first standard north, Mount Diablo base; thence east, on said standard line, to the center of Sutter slough; thence down said slough to Steamboat slough, formerly called Merritt slough. down said slough to the Sacramento river, down the Sacramento river about thirteen miles to Suisun bay; thence down the bay, along the center of the main ship-channel, in a westerly course about eighteen miles, to the straits of Carquinez; thence down the middle of said straits, and down San Pablo bay, to the place of beginning; all these courses and lines being as shown by map and notes of William Wayne Fitch and E. H. Marshall, surveyor and deputy surveyor of Solano county.

Sec. 50. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred fifty-seven and to read as follows:

Sonoma
county.

3957. *Sonoma*. Commencing at a point in the Pacific ocean, three miles due west of a point in the center of the channel at the mouth of the Gualala river, thence due east three miles to said point in the center of the channel at the mouth of said Gualala river; thence up the center of the channel of said Gualala river to a point where the center of said channel intersects the section line running east and west between sections twenty-three and twenty-six, township eleven north, range fifteen west, Mount Diablo meridian; thence east on said section line and its continuation between sections twenty-four and twenty-five, said township and range, to the range line between ranges fourteen and fifteen west, Mount Diablo meridian; thence continuing east on the section line between sections nineteen and thirty, twenty and twenty-nine, twenty-one and twenty-eight, twenty-two and twenty-seven, twenty-three and twenty-six, and twenty-four and twenty-five, township eleven north, range fourteen west, Mount Diablo meridian, to the range line between ranges thirteen and fourteen west, Mount Diablo meridian; thence north on said range line between said ranges thirteen and fourteen two miles more or less, to the section corner common to sections twelve and thirteen, township eleven north, range fourteen west, Mount Diablo meridian, and sections seven and eighteen, township eleven north, range thirteen west, Mount Diablo meridian; thence east on the section line between sections seven and eighteen, eight and seventeen, nine and sixteen, ten and fifteen, eleven and fourteen, and twelve and thirteen, township eleven north, range thirteen west, Mount Diablo meridian, to the intersection of said section line with the range line between ranges twelve and thirteen west, Mount Diablo meridian; thence continuing east on the section line between sections seven and eighteen, eight and seventeen, nine and sixteen, ten and fifteen, eleven and fourteen, and twelve and thirteen, township eleven north, range twelve west, Mount Diablo meridian, to the intersection of said section line with the range line between ranges eleven and twelve west, Mount Diablo meridian; thence north on said range line between ranges eleven and twelve, two miles, more or less, to the southwest corner of township twelve north, range eleven west, Mount Diablo meridian; thence east on the south boundary line of said township twelve north, range eleven west, three miles, more or less, to the southeast corner of section thirty-three, township twelve north, range eleven west; thence north on the section line between sections thirty-three and thirty-four, one mile, more or less, to the northwest corner of said last named section thirty-four; and thence east on the section line between sections twenty-seven and thirty-four, twenty-six and thirty-five, and twenty-five and thirty-six, township twelve north, range eleven west, Mount Diablo meridian, and continuing east on the section line between sections thirty and thirty-one, twenty-nine and thirty-two, twenty-eight and thirty-three, twenty-seven and thirty-four, twenty-six and thirty-five, and twenty-five and thirty-six; township twelve north, range ten

west, Mount Diablo meridian, and continuing east on the section line between sections thirty and thirty-one, twenty-nine and thirty-two, twenty-eight and thirty-three, twenty-seven and thirty-four, and twenty-six and thirty-five to the corner common to sections twenty-five, twenty-six, thirty-five, and thirty-six; township twelve north, range nine west, Mount Diablo meridian, said point lying upon the summit of the Mayacamas ridge and constituting the common corner of Mendocino, Lake and Sonoma counties; thence southerly along the Mayacamas mountains, and on the western lines of Lake and Napa counties, to the westerly branch of headwaters of Huichica creek; thence westerly on the line of Napa county to the top of the main ridge that divides the Huichica valley from the Sonoma valley; thence southerly along the said dividing ridge to the tule bordering on San Pablo bay; thence southerly to the center of Huichica creek; thence down said creek to its mouth, which is the southwest corner of Napa; thence on the line of Solano south, twenty-six and one-half degrees east, about six and one-quarter miles distant from the mouth of Huichica creek, to the point of intersection with the westerly line of Contra Costa county, forming common corner of Marin, Solano, Contra Costa, and Sonoma, as described in section three thousand nine hundred fifteen; thence following the northern boundary of Marin westerly to the mouth of Petaluma creek; thence up said creek to the mouth of San Antonio creek; thence up said San Antonio creek to its head; thence in a direct line to the head of the Estero Americano, on the line surveyed and established by William Mock, under the direction of the surveyor general, in the year 1856; thence down said Estero Americano to its mouth; thence due west three miles to a point in the Pacific ocean; thence northwesterly by ocean shore to the point of beginning.

SEC. 51. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred fifty-eight and to read as follows:

Stanislaus
county.

3958. *Stanislaus.* Beginning at common corner of Stanislaus, Santa Clara, Alameda, and San Joaquin, on the summit of Mount Boardman, of the Mount Diablo range, as shown on survey and map of Wallace and Stakes, May, 1868; thence southeasterly, on the summit line of said range, being eastern line of Santa Clara, to the northwest corner of Merced, forming the southwest corner of Stanislaus, as established by survey and map of A. J. Stakes, July, 1868; thence northeasterly, on line as established by said last-named survey, to the junction of the Merced and San Joaquin rivers: thence down the San Joaquin seven miles; thence in a direct line a little north of east to a monument established by survey of A. J. Stakes, being on the summit of the ridge between Merced and Stanislaus, and marking common corner of Tuolumne, Merced, Mariposa, and Stanislaus; thence northwesterly, in a direct line, and crossing the Stanislaus river, to monument established by survey and map of George E. Drew, May, 1860, on the north bank of said last-named river; thence northwesterly,

on line of said survey, to its intersection with western line of range ten east, Mount Diablo meridian, which point is marked by a monument establishing the north corner of Stanislaus county; then south, on said range line, to Stanislaus river; thence down the latter to its mouth in San Joaquin river; thence southwesterly on line as surveyed and mapped by Wallace and Stakes, May, 1868, to the place of beginning.

SEC. 52. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred fifty-nine and to read as follows:

3959. *Sutter*. Beginning at the northwest corner of Sacramento county, as established in section three thousand nine hundred forty-two; thence up the Sacramento river to the mouth of Butte slough; thence down said slough to the dividing line between sections thirty-five and thirty-six, township sixteen north, range one west, Mount Diablo base and meridian; thence north, on the line between sections thirty-five and thirty-six, and sections twenty-five and twenty-six in said township and range to Butte creek; thence following said Butte creek to its intersection with the south line of section nineteen, township seventeen north, range one east, Mount Diablo base and meridian; then east on section lines to Feather river; thence down Feather river to mouth of Bear river; thence up the original or old channel of Bear river as the same was established by official government meander line surveys made by E. Dyer and others prior to 1870, of record in the office of the United States surveyor general for the State of California, to the northwest corner of Placer county as established in section three thousand nine hundred thirty-nine; thence along the western boundary of Placer county to the southwest corner thereof; thence westerly along the northern boundary of Sacramento county to the place of beginning

SEC. 53. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred sixty and to read as follows:

3960. *Tehama*. Beginning at the point of intersection of Sacramento river with south line of township twenty-three north, Mount Diablo base; thence west, on said line, being northern line of Glenn to the summit of the Coast Range, being southwest corner; thence northerly, on said summit line, to the southwest corner of Shasta, as established in section three thousand nine hundred fifty-three; thence easterly, on the southern line of Shasta, as established in said section, to the northwest corner of Plumas, being the point of intersection of southern line of Shasta with the summit line of the dividing ridge between the waters of Mill and Deer creeks, tributaries of the Sacramento river, and Rice's and Warner's creeks, tributaries of the north fork of Feather river, forming northeast corner of Tehama; thence southerly, along said summit line, to the north point of Butte county, it being the point where the northern road from Big Meadows to Butte Meadows, by Dye's house, crosses the said summit line; thence southwesterly, in a direct line, to the head of Rock creek; thence

southwesterly, down Rock creek, to the south line of township twenty-four north, Mount Diablo base; thence west, on said line, to the Sacramento river; thence along said river to the place of beginning.

SEC. 54. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred sixty-one and to read as follows:

Trinity
county.

3961. *Trinity.* Beginning at the northeast corner of Mendocino county and southeast corner of Trinity county as established and marked by Wm. H. Fauntleroy in 1872, on the summit of the Coast Range at or near the quarter section corner on east line of section thirty-four in township twenty-five north, range ten west, Mount Diablo meridian; thence northerly along the summit of said range and the line of Tehama county to the northwest corner of Tehama county; thence northeasterly and northerly along the summit of the mountain dividing the waters flowing into Sacramento river and the waters flowing into Trinity river on the west line of Shasta and Siskiyou counties to a point in the southern line of Siskiyou county located in section twenty-six, township forty-one north, range six west, Mount Diablo meridian; thence southwesterly and westerly along the summit of the mountain dividing the waters flowing into Trinity river from the waters flowing into Scott and Salmon rivers to intersection of east line of Humboldt on what is known as Salmon summit, being northwest corner of Trinity near the corner to sections four, five, eight and nine, township nine north, range seven east, Humboldt meridian; thence southwesterly and southerly by the eastern line of Humboldt to the southwest corner of Trinity county as surveyed and marked by Wm. H. Fauntleroy in August, 1872, the same being in the southeast quarter of section thirty-one, township five south, range six east, Humboldt meridian; thence east along the line between Trinity and Mendocino as surveyed and marked by Wm. H. Fauntleroy in 1872 to the point of beginning.

SEC. 55. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred sixty-two and to read as follows:

Tulare
county.

3962. *Tulare.* Beginning at the southwest corner, being the common corner of Kings, Kern and Tulare, and being located on the sixth standard south at the southwest corner of township twenty-four south, range twenty-three east, Mount Diablo base and meridian; thence east, on said standard, to the point of intersection with summit line of the Sierra Nevada mountains, forming the southeast corner of Tulare and southwest corner of Inyo; thence northwesterly, on said summit, being on the western line of Inyo, to the east corner of Fresno, as established in section three thousand nine hundred eighteen; thence on the southern line of Fresno to the eastern line of Kings; thence southerly, on the line of Kings, as established in section three thousand nine hundred twenty-four, to the place of beginning.

SEC. 56. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred sixty-three and to read as follows:

3963. *Tuolumne*. Beginning at the most western corner, being the southern corner of Calaveras, as established in section three thousand nine hundred thirteen, in Stanislaus river; thence southeasterly to common corner of Merced, Mariposa, Stanislaus, and Tuolumne, as established in section three thousand nine hundred fifty-eight; thence easterly on the northern line of Mariposa and Madera, following summit line of the dividing ridge between Tuolumne and Merced rivers, to Mount Lyell, as marked on Warren Holt's map, 1869, and the summit of the Sierra Nevada mountains, being on the western line of Mono and common corner of Tuolumne, Madera and Mono; thence northerly by the line of Mono, being the summit line of the Sierra Nevada mountains, to the southern corner of Alpine, as established in section three thousand nine hundred ten; thence northwesterly by the line of Alpine to the southeastern corner of Calaveras; thence westerly on the line of Calaveras and down the Stanislaus river to the place of beginning.

Tuolumne
county.

SEC. 57. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred sixty-four and to read as follows:

3964. *Ventura*. Commencing on the coast of the Pacific ocean, at the mouth of the Rincon creek; thence following up the center of said creek to its source; thence due north to the corner common to Kern, Santa Barbara and Ventura located on the township line between townships nine and ten north, range twenty-four west, San Bernardino base and meridian, and running thence east with said line between townships nine and ten north, to the northeast corner of township nine north, range twenty-four west, San Bernardino meridian; thence south with the range line to the quarter section corner in the west line of section seven, township nine north, range twenty-three west, San Bernardino meridian; thence east with the center line of sections seven, eight, nine, ten, eleven and twelve of said township nine, range twenty-three west, to the line between ranges twenty-two and twenty-three west, of said township; thence south with range line to the southwest corner of section eighteen, township nine, range twenty-two west; thence east to the corner of sections sixteen, seventeen, twenty and twenty-one of same township; thence south to the southwest corner of section thirty-three, of same township; thence east on line between townships eight and nine north, to the southeast corner of section thirty-six, township nine north, range twenty west, in the west line of range nineteen west; thence north to the northwest corner of section six, of township eight north, range nineteen west; thence east along the north line of said section six and section five of said township to the northeast corner of said section five of said township eight north, range nineteen west, San Bernardino meridian, forming the corner common to Los Angeles, Kern and Ven-

Ventura
county.

tura; thence southerly along the western line of Los Angeles county to the Pacific ocean and three miles therein; thence in a northwesterly direction to a point due south of and three miles distant from the center of the mouth of Rincon creek; thence north to the point of beginning, and including the islands of Anacapa and San Nicholas.

SEC. 58. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred sixty-five and to read as follows:

Yolo
county.

3965. *Yolo*. Beginning on southeast corner, at the most easterly northeast corner of Solano, in Sutter slough, at its intersection with the first standard north; thence west on said standard line to west line of range three east, Mount Diablo meridian; thence north on said range line to the northeast corner of township seven north, two east; thence west nine and seventy-two one-hundredths chains to southeast corner of township eight, two east; thence north on easterly line of said township to the old bed of Putah creek; thence westerly up the old bed and main Putah creek to a point on eastern line of Napa, in the cañon, called Devil's Gate, where the highest ridge of mountains divides the waters of the Sacramento from Berryessa valley, forming the most westerly of the southwest corners of Yolo and northwest corner of Solano; thence northerly along the highest ridge of said mountains to Cache creek; thence east to the summit of the spur of the Coast Range which divides the waters flowing east into Bear creek and Stony creek, and those flowing west into the north fork of Cache creek; thence along the dividing ridge, to the southwest corner of Colusa, as established in section three thousand nine hundred fourteen; thence easterly on southern line of Colusa, as established in said section, to Sacramento river, forming the northeast corner at the point of intersection of the southern line of township thirteen north, Mount Diablo base; thence down said river to Sutter slough; thence down said slough to the place of beginning.

SEC. 59. A new section is hereby added to the Political Code, to be numbered three thousand nine hundred sixty-six and to read as follows:

Yuba
county.

3966. *Yuba*. Beginning at southwest corner, at junction of Feather and Bear rivers; thence up Bear river, on the line of Sutter and Placer, to the southwest corner of Nevada, as established in section three thousand nine hundred thirty-seven; thence north, on Nevada line, to the junction of Deer creek and main Yuba; thence up the main to the middle Yuba and up the middle Yuba ten miles, to the southwest corner of Sierra, as established in section three thousand nine hundred fifty-four; thence in direct line northerly, and on line of Sierra, to Cuteye Foster's bar, on north Yuba river; thence down the river to the mouth of Big Cañon creek; thence up said creek four miles; thence in direct line to south corner of Plumas and northwest corner of Sierra, in Slate creek, as established in sections three thousand nine hundred forty and three thousand nine hundred fifty-four; thence southwesterly

in a direct line, to common corner of Plumas, Butte, and Yuba, in front of Buekeye house, as established in section three thousand nine hundred forty; thence on southwestern line of Butte, as established in section three thousand nine hundred twelve to the junction of Mont creek with Feather river; thence down Feather river to the place of beginning.

SEC. 60. If any section be for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act, and the legislature hereby declares that it would have passed this act and each and every other section, thereof, irrespective of the fact that any one or more sections of this act be declared unconstitutional.

Constitutionality.

CHAPTER 161.

An act to amend section six of the "workmen's compensation, insurance and safety act of nineteen seventeen," approved May 23, 1917, as amended, relating to the wilful misconduct of the employer.

[Approved May 16, 1923.]

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

SECTION 1. Section six of the "workmen's compensation, insurance and safety act of nineteen hundred seventeen," approved May 23, 1917, as amended, is hereby amended to read as follows:

Stats 1919,
p 912,
amended.

Sec. 6. (a) Liability for the compensation provided by this act, in lieu of any other liability whatsoever to any person, shall, without regard to negligence, exist against an employer for any injury sustained by his employees arising out of and in the course of the employment and for the death of any such employee if the injury shall proximately cause death, in those cases where the following conditions of compensation concur:

Employer's liability.

(1) Where, at the time of the injury, both the employer and employee are subject to the compensation provisions of this act.

(2) Where, at the time of the injury, the employee is performing service growing out of and incidental to his employment and is acting within the course of his employment.

(3) Where the injury is proximately caused by the employment, either with or without negligence, and is not caused by the intoxication of the injured employee, or is not intentionally self-inflicted.

(4) Where the injury is caused by the serious and wilful misconduct of the injured employee, the compensation otherwise recoverable by him shall be reduced one-half; *provided, however,* that such misconduct of the employee shall not be a defense to the claim of the dependents of said employee, if the injury results in death, or to the claim of the employee, if the injury results in a permanent partial disability equaling

Misconduct of injured employee.

or in excess of seventy per cent of total; *and provided, further*, that such misconduct of said employee shall not be a defense where his injury is caused by the failure of the employer to comply with any provision of law, or any safety order of the commission, with reference to the safety of places of employment; *and provided, further*, that in case of an injury suffered by an employee under sixteen years of age, it shall be conclusively presumed that such injury was not caused by serious and wilful misconduct.

Recovery of
compensa-
tion.

(b) Where such conditions of compensation exist, the right to recover such compensation, pursuant to the provisions of this act, shall be the exclusive remedy against the employer for the injury or death; *provided*, that where the employee is injured by reason of the serious and wilful misconduct of the employer, or his managing representative, or if the employer be a partnership, on the part of one of the partners, (or a managing representative or general superintendent thereof), or if a corporation, on the part of an executive or managing officer or general superintendent thereof, the amount of compensation otherwise recoverable for injury or death, as hereinafter provided, shall be increased one-half, any of the provisions of this act as to maximum payments or otherwise to the contrary notwithstanding; *provided, however*, that said increase of award shall in no event exceed two thousand five hundred dollars.

(c) In all other cases where the conditions of compensation do not concur, the liability of the employer shall be the same as if this act had not been passed.

CHAPTER 162.

An act to establish a new seawall lot on the waterfront of San Francisco, to be known as seawall lot number twenty-six, placing same under the jurisdiction of the board of state harbor commissioners and authorizing leasing of same.

[Approved May 16, 1923.]

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

Boundaries
of seawall
lot No. 26,
San Fran-
cisco.

SECTION 1. 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 particularly described as follows, to wit:

Beginning at the point where the northeasterly line of Third street cuts the southeasterly line of Berry street, said point being distant three hundred twenty-two and five-tenths (322.5) feet from the southeasterly line of King street; thence running easterly at an angle of nineteen degrees seventeen minutes twenty-six seconds (19°17'26'') with said southeasterly line of Berry street eight hundred eighty-eight and fifty-four hundredths (888.54) feet, more or less, to the westerly line of The Embarcadero; thence northerly along said line of The

Embarcadero two hundred thirty-six and ninety-eight hundredths (236.98) feet, more or less, to the southeasterly corner of seawall lot number twenty-five (25); thence at a right angle westerly along the southerly line of said lot one hundred ten and ninety-six hundredths (110.96) feet, more or less, to the southwesterly corner of said lot; thence northwesterly along the southwesterly line of said lot forty-one and forty-eight hundredths (41.48) feet, more or less, to the westerly corner of said lot; thence at a right angle southwesterly along the southeasterly line of Berry street nine hundred eight and ninety-one hundredths (908.91) feet to the point of beginning; containing three and four-tenths (3.4) acres of land; is hereby designated as seawall lot number twenty-six.

SEC. 2. The board of state harbor commissioners shall have possession, jurisdiction and control over said lot and every part thereof, and the said board is authorized to keep and maintain said lot as an open space for the use of the public or they may, in their discretion, enclose it. The said board is also authorized to assign the use of such portion thereof as it may deem expedient for such purposes only as will be most advantageous to the commerce of the port, and upon such terms and conditions as they may determine. The said board is also authorized to lease said seawall lot number twenty-six as a whole or in such portions as it may see fit; *provided*, that before the execution of any lease notice of the letting or leasing shall be given by publication in three of the daily papers published in San Francisco for at least ten days; such notice shall state the lot or portion thereof to be leased and that bids will be received by said board at a place and time designated in such notice, and said property shall be let to the highest and best bidder; *provided, further*, that all bids for lease of said lot or any portion thereof shall set forth the purposes for which said lot or portion thereof shall be used, and that the statements in such bids shall be embodied in the lease given by said board, with the condition that the lot or portion thereof shall be used for such purposes only; *provided, further*, that said board shall have the power to reject any and all bids; *provided, further*, that in no event shall any such lease or leases be made for a term exceeding twenty-five years.

Jurisdiction
of harbor
commis-
sioners.

Leases.

Notice.

Bids.

CHAPTER 163.

An act to amend sections one and four of "An act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded and prohibiting the selling or offering for sale of land by reference to said maps unless the same are recorded," approved March 15, 1907, as amended.

[Approved May 16, 1923.]

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

Stats. 1919,
p. 177,
amended

SECTION 1. Section one of said act, approved March 15, 1907, as amended, is hereby amended to read as follows:

Map of
subdivision
must be
recorded.

Section 1. Whenever any tract or subdivision of land shall be laid out into lots for the purpose of sale, the owner or owners thereof shall cause to be made out and filed with the county recorder of the county in which the same is situated, an accurate map or plat thereof on cloth, and in duplicate, drawn and attested by a civil engineer or licensed surveyor from his own survey of the ground. Said engineer or surveyor shall, in making the surveys, leave sufficient permanent monuments so that another surveyor or engineer may retrace his work. The nature and location of these monuments shall be plainly shown on the map; *provided, however*, that on all maps of tracts filed for the purpose of showing as acreage, land previously subdivided into numbered or lettered lots or parcels, no survey or certificate by surveyor or engineer shall be required. The map shall also particularly set forth and describe:

Monuments

Matters
set forth.

First—All parcels of ground within such tract or subdivision offered for dedication for public uses, whether they be intended for public highways, parks, courts, commons or other public uses, and their dimensions and boundaries and the courses of their boundary lines.

Second—All lots intended for sale, or reserved for private purposes and not offered for dedication to the public use, either by number or letter, and their dimensions and boundaries and the courses of their boundary lines. All parcels of land offered for dedication as public highways and not accepted by the proper authorities upon presentation to them, shall also be designated by number or letter.

Third—The exact location of such tract or subdivision of land into lots with reference to adjacent subdivisions of land into lots, the maps or plats of which have been previously recorded, if any, or if none, then with reference to corners of a United States survey, or to some natural or artificial monument.

Stats. 1921,
p. 1002,
amended.

SEC. 2. Section four of said act approved March 15, 1907, as amended, is hereby amended to read as follows:

Approval
of map.

Sec. 4. The map or plat so made, indorsed and acknowledged shall be submitted to the governing body of the city, county and county, or county having control of public highways

in the territory shown on such map or plat, for the approval of such governing body before such map or plat is filed for record in the recorder's office: *provided*, that said map or plat shall not be accepted or approved by such governing body unless the same is accompanied by a certificate of the county surveyor and county assessor, if such tract or subdivision of land lies in unincorporated territory, or city engineer, if such there be, and the city assessor of any incorporated city or town, in which the whole or any part of such tract or subdivision of land is situated, showing that each and every lot and block therein has been carefully examined as to its value for residence or commercial uses with their suggestions and recommendations to such governing body; *and provided, further*, that whenever such tract or subdivision of land lies within an incorporated city or town, the map or plat thereof shall first be submitted by the governing body thereof to the city planning commission, if such there be, of such city or town, or, if there be no city planning commission, to the city engineer, if such there be. Said city planning commission, or city engineer, shall report thereon to the governing body within ten days after receipt of said map or plat. If such tract or subdivision of land is in unincorporated territory but within three miles from the exterior boundaries of any city, or town, within the same county, the map or plat thereof shall first be submitted by the county board of supervisors to the city planning commission, if such there be, or to such city engineer as above provided of the city or town lying nearest to, and situated within the same county as such tract or subdivision of land, whereupon such commission shall make an examination of such map or plat and submit a report thereon with its suggestions and recommendations to the governing body of the municipality. Said governing body shall thereupon submit a report thereon, with its suggestions and recommendations to the said county board of supervisors. Such governing body after considering the report of the city planning commission, or the city engineer, as the case may be, and said county board of supervisors, after considering the report of said governing body, shall approve or disapprove such map or plat within thirty days after the same is submitted to it as above provided. In the event of the failure, refusal or neglect of said city planning commission, or city engineer to so report within said ten days to the said governing body it shall then be the duty of said commission or city engineer to forthwith transmit said map or plat to said governing body for its action thereon. In the event of the failure, refusal or neglect of said governing body to so report to said county board of supervisors within twenty days after said county board has so filed said map or plat with said city planning commission, or city engineer, it shall then be the duty of said governing body to forthwith transmit said map or plat to said county board of supervisors for its action thereon. If approved, the said governing body or board of supervisors shall indorse, or cause to be indorsed, on said map, or plat its approval of the same. Without such

Certificate showing examinations.

Ex. mention and report of city planning commission or city engineer.

Public
highways.

approval the said map or plat shall not be filed for record or be recorded. Such governing body may require the public highways, if any, offered for dedication by said map or plat and the parcel or parcels of land, if any, therein reserved or indicated for highway or right of way purposes, and not offered for dedication to public use, to be as wide as and to conform, as near as practicable, to the adjoining, surrounding or neighboring streets or highways of said city, city and county, or county. If such map or plat offers for dedication any highways said governing body or board of supervisors shall indorse thereon which of the highways so offered for dedication are accepted on behalf of the public, and thereupon such highways which have been so accepted, and no others, shall be and become dedicated to the public use.

Natural
water
courses.

In the event that the tract of land shown upon the map or plat is traversed by any natural water course or channel, such governing body may require as a condition precedent to the approval of such map or plat, either the dedication to public use of an easement or a conveyance to the political subdivision of a right of way for storm drain purposes to conform substantially with the lines of such natural water course or channel.

CHAPTER 164.

An act to amend sections four, five, six, seven, nine, ten, ten and one-half, eleven and thirteen of an act entitled "An act to regulate the practice of optometry; to provide for the appointment of a board of optometry, define its duties and powers and prescribing a penalty for the violation of this act," approved June 16, 1913.

[Approved May 17, 1923.]

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

Stats 1913,
p. 1097,
amended.

SECTION 1. Section four of an act entitled "An act to regulate the practice of optometry; to provide for the appointment of a board of optometry, define its duties and powers and prescribing a penalty for the violation of this act," approved June 16, 1913, is hereby amended to read as follows:

Powers
and duties.

Sec. 4. The powers and duties of the said state board of examiners in optometry shall be as follows:

Organize
board

1. To organize and elect from their members a president and secretary of said board who shall hold office for one year or until the election and qualification of a successor; to adopt and use a common seal, and establish a permanent office. The secretary of the said board before entering into the discharge of his duties shall execute a good and sufficient bond to the State of California in the sum of one thousand dollars conditioned for the faithful performance of his duties as such secretary. He shall receive all fees and moneys paid to the board; keep all the records of the board and discharge such other duties as the board shall from time to time prescribe.

2. To make all necessary disbursements to carry out the provisions of this act, but only upon the signature of the president and secretary of the said board, including payment for the bond of the secretary of said board; payment for stationery supplies; necessary optical instruments to be used in the conduct of examinations which shall be the property of the state; the printing and circulating to all optometrists in the state, once a year, a yearbook containing the names and addresses of all optometrists in this state; a per diem of ten dollars for each member of the said board for each day actually spent in the performance of his duties as such, and mileage of five cents per mile for all distances necessarily traveled in going to and coming from the meetings of said board, in full compensation for all services; per diems shall not exceed one for any calendar day, and shall not exceed two in any one calendar month, except that in months when examinations are being held per diems may be allowed for not to exceed six days in any such month. Additional compensation may be allowed the secretary not to exceed one hundred dollars per month.

Make disbursements.

Yearbook.

Compensation.

3. To employ agents, attorneys and inspectors to secure evidence of, report on, and prosecute to conviction all violations of this act and to employ other necessary assistance in the carrying out of the provisions of this act. No state officer shall be eligible to employment by the board.

Prosecute violators.

4. To hold regular meetings at least twice a year at which an examination of applicants for certificates of registration shall be held at such places as the board shall from time to time designate and special meetings upon request of a majority of the members of said board or upon the call of the president.

Meetings.

5. To keep an accurate record of all the proceedings of the board and of all its meetings, of all receipts and disbursements with vouchers for all disbursements, and of all prosecutions for violations of this act, and of all examinations held for applicants for certificates of registration with the names and addresses of all persons taking examinations and their success or failure to pass such examinations. To keep an accurate inventory of all property of the board and of the state in the possession of the board and to obtain a receipt therefor from its successor. All the records of the board shall be public and shall be kept in the office of the board.

Record of proceedings.

6. To visit and examine universities and schools in the State of California wherein the science of optometry is taught and to accredit such universities and schools, wherein the science of optometry is taught, whether within or without the State of California, as shall have been found to give a sufficient course of study for the preparation of optometrists; *provided, however,* that said board may accredit only the following universities or schools in which the science of optometry is taught:

Visit and accredit schools.

(a) Such universities as give a standard course of optometry leading to the bachelor degree, and which are members of the

American Association of Universities or the American Association of State Universities.

(b) Such schools as give a course of instruction covering and including the following minimum requirements, to wit: General anatomy, 150 hours; general physiology, 100 hours; general mathematics, 150 hours; general physics, 150 hours; general optics, 100 hours; ocular anatomy, 100 hours; ocular pathology, 100 hours; theoretical optics, 300 hours; practical optics, 100 hours; theoretical optometry, 250 hours; practical optometry, 200 hours; hygiene, 50 hours; psychology, 50 hours; optical laboratory work, 100 hours; clinical work, 100 hours; total: 2000 hours.

In the course of study herein outlined the hours required shall be actual work in the classroom, laboratory or clinic and at least eighty per cent of actual attendance shall be required and said course of study herein outlined, shall be so arranged as to require two years of actual attendance at said school for its completion.

Keep register.

7. To keep a register of optometrists which shall contain the names and addresses of all persons to whom certificates of registration have been issued in the State of California, together with the date of the issuance of such certificates and the place or places of business in which each optometrist is engaged, and all renewals, revocations and suspensions thereof.

Grant, etc., certificates.

8. To grant or refuse to grant certificates of registration as herein provided and to revoke the certificate of registration of any optometrist for any of the causes specified in section eleven hereof.

Administer oaths.

9. To administer oaths and take testimony upon granting and revoking or suspending any certificate of registration.

Make rules.

10. To make rules for the procedure of the board and for the conduct and government of applicants for certificates of registration as optometrists not inconsistent with the provisions of this act.

Report to governor.

11. To report to the governor annually on the first Monday in January in each year giving an accurate account of the work of the board during the preceding year with a statement of all moneys received and paid out pursuant to this act.

Publish requirements.

12. To publish and distribute a syllabus of the educational requirements and the examination requirements for the obtaining of a certificate to practice optometry within the State of California.

Stats. 1913, p. 1099, amended. Application for registration.

SEC. 2. Section five of said act, approved June 16, 1913, is hereby amended to read as follows:

Sec. 5. Any person over the age of twenty-one years, desiring to engage in the practice of optometry in the State of California, may file an application, duly verified by his oath, for an examination before said board. Such application must be filed with the secretary of said board, at least two weeks prior to the date of any meeting at which an examination is to be held and shall set forth the following:

(a) The name, age and address of the applicant.

(b) The name of the optometry school attended, if any, and for what period of time such school was attended by the applicant.

(c) A statement of the previous examinations, if any, taken before the board and dates of such examinations.

Provided, however, that on and after the thirty-first day of December, 1923, no person shall be eligible to take such examination, unless he shall be a graduate from a school where the science of optometry is taught, duly accredited by the state board of optometry of California, and after said date, said application to be filed, as hereinabove required, shall state, in lieu of the requirements of subdivision (b) above, the name of the optometry school from which the applicant has been graduated, and each applicant must furnish satisfactory evidence of having thus been graduated from such school; *provided, further,* that on and after December 31, 1923, such applicant for examination shall also furnish his diploma or certificate of graduation with recommendations from a high school accredited to the University of California, or any other university of equal standing or, in lieu thereof, a certificate signed by a state superintendent of public instruction or similar officer, to the effect that such applicant has had scholastic preparation equivalent in all respects to that demanded for graduation with recommendations from a high school giving a four year course of instruction in the state from which such certificate is issued; or, in lieu of such diploma or certificate from an accredited high school or such certificate of such public officer, such applicant, after said last mentioned date, may and with like effect furnish to said board of optometry a certificate from the board of optometry or similar official body of some other state in the United States, showing that such applicant has been a duly licensed practitioner of optometry in such other state, for a period of at least five years; and on and after December 31, 1923, no person shall be eligible to take such examination, unless he shall furnish either said diploma or certificate of graduation or said certificate signed by said public officer or said certificate from said board of optometry or other official body from some other state in the United States.

All applications shall be accompanied with a fee of twenty dollars. Fee.

SEC. 3. Section six of said act, approved June 16, 1913, is hereby amended to read as follows:

Stats. 1913.
p 1100
amended.

Sec. 6. Examinations shall be held and given by the board at least twice a year, at such times and places as the board may, from time to time, fix and designate, at least one month prior to the date of such examination; *provided, however,* that one of such examinations shall be held in the city and county of San Francisco, commencing with the third Monday in February of each year, and the other in the city of Los Angeles, commencing with the third Monday in June of each year. All examinations shall be practical in character and designated to ascertain the applicant's fitness to practice the profession of

Examina-
tions twice
a year.

optometry and shall be conducted in the English language. At every such examination the board shall examine the applicants in the subjects covered and set forth in section four, subdivision six hereof, the same being the subjects required to be taught by schools of optometry which seek to be accredited by said board. Said board shall not examine upon any other subject matter.

Reexaminations.

No applicant shall be passed by said board who fails to obtain an average of seventy-five per cent in every subject upon which he is examined. In case any applicant shall fail to pass said examination then such applicant shall be examined at the next or any succeeding examination only in the subjects in which he failed to obtain an average of eighty-five per cent.

Registration of successful applicants.

All applicants, without discrimination, who shall satisfactorily pass the examination, shall thereupon be registered in the board's register of optometrists and a certificate of registration shall be issued to him, under the seal and signature of the members of said board, upon the payment of a fee of five dollars. Such certificate shall continue in force until the first day of August in the year next succeeding.

Stats 1913, p 1100, amended.

SEC. 4. Section seven of said act, approved June 16, 1913, is hereby amended to read as follows:

Notice to board of place where practicing

SEC. 7. Before engaging in the practice of optometry, it shall be the duty of each registered optometrist to notify the board in writing of the place or places where he is to engage, or intends to engage, in the practice of optometry and of any changes in his place of business, and any notice required to be given by the board to any registered optometrist may be given by mailing to such address, through the United States mail, postage thereon prepaid.

Annual fee.

Each registered optometrist shall annually, on or before the first day of August, of each year, pay to the secretary of said board, a fee of ten dollars, for a renewal of his registration certificate, and shall keep such certificate conspicuously posted in his office or place of business at all times. The failure, neglect or refusal of any person who is a regularly licensed optometrist to pay in advance said annual license tax of ten dollars, during the time his license remains in force, shall ipso facto work a forfeiture of his license and it shall not be restored except upon a written application therefor and the payment to said board of the sum of twenty-five dollars, in addition to all delinquent annual license fees, except that such person shall not be required to submit to any examination.

Disposition of fee.

From each annual renewal license fee of ten dollars there shall be paid to the University of California by the secretary of the board on or before the tenth day of August of each year, the sum of eight dollars, said sum to be used at and by said University of California solely for the advancement of optometrical research, and the maintenance and support of a department at said University of California, in which the science of optometry shall be taught. The balance of each said

annual renewal fee, amounting to two dollars, as required hereby, shall be paid into the state treasury. Any registered optometrist who shall temporarily practice optometry outside or away from his regular registered place of business shall deliver to each client or person there fitted or supplied with glasses a receipt which shall contain his signature and show his permanent registered place of business and the number of his certificate, together with a specification of the lenses furnished and the amount charged therefor.

Receipt to customer.

SEC. 5. Section nine of said act, approved June 16, 1913, is hereby amended to read as follows:

Stats. 1913, p. 1101, amended. Penalty.

Sec. 9. Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment in the county jail not less than ten days, nor more than one year, or by a fine of not less than one hundred dollars, nor more than one thousand five hundred dollars, or by both such fine and imprisonment. All fines and forfeitures collected or received for violations of or in prosecutions under this act shall be paid, one-half thereof to the state treasurer, without demand, and one-half thereof to the school fund of the city or city and county where the prosecution is had. In any prosecution for a violation of section one hereof, the use of test cards, test lenses, or of trial frames shall be prima facie evidence of the practice of optometry. Trial frames and test lenses within the meaning of this act shall be any frame or lens used in testing the eye, which is not sold and is not for sale to clients.

Disposition of fines.

SEC. 6. Section ten of said act, approved June 16, 1913, is hereby amended to read as follows:

Stats 1913, p. 1101, amended.

Sec. 10. The provisions of this act shall not be construed to prevent duly licensed physicians and surgeons from treating or fitting glasses to the human eye nor to prohibit the sale of goggles, sun glasses, colored glasses or occupational eye-protective devices, provided the same are so made as not to have refractive values, nor to prohibit the sale of complete ready to wear eyeglasses as merchandise, by any person not holding himself out as competent to examine, test or prescribe for the human eye, or its refractive errors.

Persons not affected by act

SEC. 7. Section ten and one-half of said act, approved June 16, 1913, is hereby amended to read as follows:

Stats. 1913, p. 1101, amended.

Sec. 10½. It shall be unlawful for any person:

1. To sell or barter, or offer to sell or barter any certificate of registration issued by the state board of optometry; or
2. To purchase or procure by barter any such certificate of registration with intent to use the same as evidence of the holder's qualification to practice optometry; or
3. To alter with fraudulent intent in any material regard such certificate of registration; or
4. To use or attempt to use any such certificate of registration which has been purchased, fraudulently issued, counterfeited or materially altered, as a valid certificate of registration; or

Unlawful to sell, etc., certificates of registration, or to practice without certificate.

5. To practice optometry under a false or assumed name; or
 6. To wilfully make any false statement in a material regard in an application for an examination before the state board of optometry or for a certificate of registration; or

7. To practice optometry in the State of California without having at the time of so doing a valid unrevoked certificate of registration as an optometrist; or

8. To advertise by displaying a sign or otherwise or hold himself out to be an optometrist or optician without having at the time of so doing a valid unrevoked certificate of registration from the said state board of optometry.

9. To replace or duplicate an ophthalmic lens or ophthalmic lenses with or without a prescription, or to dispense an ophthalmic lens or ophthalmic lenses from prescriptions, without having at the time of so doing a valid, unrevoked certificate as an optometrist; *provided, however,* that the provisions hereof shall not be construed so as to prevent an optical mechanic from doing the merely mechanical work upon such lenses. Any person who shall replace or duplicate an ophthalmic lens or ophthalmic lenses with or without prescriptions, or shall dispense an ophthalmic lens or ophthalmic lenses from prescriptions, shall be deemed to be practicing optometry within the meaning of this act. An ophthalmic lens, within the meaning of this act shall be any lens which has a spherical or cylindrical or prismatic power or value.

10. To take or make any measurements for the purpose of fitting or adapting an ophthalmic lens or ophthalmic lenses to the human eye, and any person who shall take or make any such measurements for such purpose, shall be deemed to be practicing optometry within the meaning thereof.

Stats. 1913,
p. 1102,
amended.

Grounds for
revoking
certificates.

SEC. 8. Section eleven of said act, approved June 16, 1913, is hereby amended to read as follows:

SEC. 11. The certificate of registration of any person registered as provided for in this act, may be revoked or suspended for a fixed period by the said board of optometry for any of the following causes:

1. His conviction of a felony or misdemeanor involving moral turpitude, in which case the record of conviction, or a certified copy thereof certified by the clerk of the court or by the judge in whose court the conviction is had, shall be conclusive evidence of such conviction.

2. When his certificate of registration has been secured by fraud or deceit practiced upon the board.

Unpro-
fessional
conduct

3. For unprofessional conduct, or for gross ignorance or inefficiency in his profession. Unprofessional conduct shall mean employing what are known as "cappers" or "steerers" to obtain business; the obtaining of any fee by fraud or misrepresentation; employing directly or indirectly any suspended or unlicensed optician or optometrist to perform any work covered by the provisions of this act; directly or indirectly accepting employment to practice optometry from any person not having a valid, unrevoked certificate of registration as an optometrist, or from any company or association, the managing

officer or officers of which do not have a valid, unrevoked certificate of registration as optometrist; *provided, however*, that the term "accepting employment to practice optometry" as used in this clause of this act shall not be construed so as to prevent a licensed optometrist from practicing optometry upon an individual client; the advertising of optical business or treatment or advice in which untruthful, improbable or impossible statements are made; habitual intemperance or gross immorality; or permitting another to use his certificate of registration for any purpose.

4. Who shall send a solicitor from house to house or who shall solicit from house to house.

5. When the holder is suffering from a contagious or infectious disease.

6. For any violation of the provisions of this act.

7. When the holder uses the title of "Doctor" or "Dr." as a prefix to his name; or, without holding a diploma from an accredited school of optometry, the letters "Opt. D." or "O. D." as a suffix to his name; or holds himself out as having a special knowledge of optometry as defined in this act.

Sec. 9. Section thirteen of said act, approved June 16, 1913, is hereby amended to read as follows: Stats. 1913,
p. 1103,
amended.

Sec. 13. It shall be the duty of the secretary of the board, within ten days after the beginning of each month to report to the state controller all collections of fees and all other receipts for the preceding month and at the same time to pay into the state treasury all such amounts, except as hereinbefore provided, claims thereon to be audited and paid in the usual manner. An amount not to exceed the sum of three hundred dollars may be drawn from said fund to be used as a revolving fund where cash advances are necessary; but expenditures from such revolving fund must be substantiated by vouchers and itemized statements at the end of each fiscal year or at any other time when demand is made therefor by the board of control or by the controller. Payment
of money
into state
treasury.

Revolving
fund.

CHAPTER 165.

An act to amend section four thousand three hundred eight of the Political Code, relating to district attorney's special fund.

[Approved May 17, 1923.]

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

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

4308. There is hereby created in each county a fund to be known as the district attorney's special fund. It shall be the duty of the board of supervisors, within thirty days after this act takes effect, and annually thereafter, at the beginning of the fiscal year, to transfer from the general fund to the district attorney's special fund, such sum or sums as may be necessary District
attorney's
special fund.

District
attorney's
special fund.

from time to time so that there shall be in such fund at the beginning of each fiscal year available for use by the district attorney, the following amounts: In counties or cities and counties having a population of ninety thousand or more the sum of five thousand dollars (\$5,000); in all other counties such sums as the board of supervisors shall set aside, not to exceed two thousand five hundred dollars (\$2,500). On the presentation of his requisition therefor by the district attorney to the auditor, said auditor shall draw his warrant in favor of the district attorney on such fund for such amounts as the district attorney may require from time to time. On presentation the treasurer shall cash said warrant. In their discretion the board of supervisors in counties having a population of ninety thousand or more, in addition to the amounts hereinbefore mentioned, may transfer to such fund such additional sums as they deem necessary to be used by the district attorney as provided in this section. All such sums may be used by the district attorney for his expenses incurred in criminal cases arising in the county and in civil actions and proceedings in which the county is interested, and for such expenses necessarily incurred by him in the detection of crime and the prosecution of criminal cases and for expenses in any matters in which the county may be interested. The district attorney shall file vouchers with the auditor at the end of each fiscal year, showing what disposition he has made of any moneys received from such fund and the particular purpose for which it was spent; *provided*, that if a criminal proceeding be pending or under investigation as to any moneys spent in such proceeding or investigation, such vouchers need not be filed until the trial of the criminal proceeding be ended or the investigation concluded; *provided, further*, that nothing in this section contained shall be construed as a limitation or affecting in any way the provisions of section four thousand three hundred seven of this code or any provision of law relative to the expenses of the district attorney which may be incurred by him and paid as are other county claims, after allowance by the board of supervisors, but the fund herein shall be in addition to any funds at the disposal of the district attorney as now provided by law; *provided*, this section shall not apply to any county or city and county operating under a charter where provision for a similar fund is made by law. The population herein provided for to be fixed by the federal census taken in the year A. D. 1920.

CHAPTER 166.

An act to legalize bonds heretofore issued and sold, or to be issued or sold, by sanitary districts where authority for such issuance has already been given by a vote of not less than two-thirds of the qualified electors of such sanitary districts voting upon the question of incurring such indebtedness.

[Approved May 17, 1923.]

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

SECTION 1. In all cases where the sanitary board of any sanitary district in this state has called an election for the purpose of submitting to the qualified electors residing in such district the question whether the bonds of such district shall be issued and sold for any purpose authorized by law, and where at such election not less than two-thirds of all the qualified electors voting thereat shall have voted in favor of incurring such indebtedness, the power of such sanitary district to issue such bonds and all the acts and proceedings of such sanitary board leading up to and including the issuance and sale or the proposed issuance and sale of such bonds, are hereby legalized, ratified, confirmed and declared valid to all intents and purposes; and all such bonds sold either before or after the passage of this act for not less than their par value are hereby legalized and declared to be valid and binding obligations of and against said sanitary district so issuing and selling the same. And the full faith and credit of such sanitary district is hereby pledged for the prompt payment and redemption of the principal and interest of said bonds.

Sanitary
district
bonds
validated.

SEC. 2. This act shall not operate to legalize any bonds of any sanitary district that have not, at the time of the passage of this act, been authorized by the vote of not less than two-thirds of the qualified electors of such sanitary district voting at any such election, or any bonds which have been sold for less than their par value.

Exceptions.

CHAPTER 167.

An act to confirm, validate and legalize assessments of property and taxes due thereunder entered and contained in assessment books or rolls from which assessment books or rolls the clerk of the board of supervisors and auditor omitted to attach and enter the affidavit or certificate, or both such certificate and affidavit, required by the provisions of sections three thousand six hundred eighty-two and three thousand seven hundred thirty-two of the Political Code, and to confirm, validate and legalize all sales, certificates of sales, tax deeds, or other tax conveyances

issued under and based upon any such assessments and taxes.

[Approved May 17, 1923.]

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

Tax records
and pro-
ceedings
validated.

SECTION 1. All assessments of property heretofore duly and legally assessed, entered, and contained in any assessment book or roll of any county, which said assessment book or roll is defective by reason of the omission of the clerk of the board of supervisors and the county auditor, or either or both of them, to attach and affix to said assessment book or roll the affidavit or certificate, or both such affidavit and certificate, required by the provisions of sections three thousand six hundred eighty-two and three thousand seven hundred thirty-two of the Political Code, and any and all taxes duly levied and extended upon the assessment of any property so entered and contained in any such assessment book or roll, and any sale, certificate of tax sale, tax deed, or other tax conveyance duly given and issued based upon any assessment, or tax or tax delinquency entered and contained in any such assessment book or roll, are hereby confirmed, validated and legalized, and the same shall be construed and operate at all times and upon all occasions in law in the same manner as if such matters and things required by law had been properly performed, attached and affixed in the first instance.

Exceptions.

Sec. 2. This act shall not apply to any assessment, tax, tax deed, or other tax conveyance which was or is in litigation at the time this act takes effect.

CHAPTER 168.

An act to amend section two thousand one hundred seven of the Political Code, relating to the national guard of the State of California.

[Approved May 17, 1923.]

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

Armories and
arsenals.

SECTION 1. Section two thousand one hundred seven of the Political Code is hereby amended to read as follows:

2107. The adjutant general shall have control of all armories and arsenals built by the state, or that may come into possession of the state, or any building or buildings that may be erected, purchased, leased or provided by any town, city, county, or city and county, for armory or arsenal purposes pursuant to any legislative act; and the adjutant general is hereby authorized to lease on behalf of the state such building or buildings, or portions thereof, as may be necessary for the housing of the national guard. It shall be the duty of the adjutant general, under direction of the governor, to make and enforce regulations for the government and control of such armories, arsenals and buildings, and where appropri-

tions have been made therefor, to advertise for and receive bids for the construction of armories, or arsenals, to enter into contract for the construction and completion thereof, to contract for and purchase the furnishings therefor, and to purchase and lease real estate for the purpose of erecting armories or arsenals thereon; *provided*, that it shall be the duty of the state department of public works to furnish the plans, estimates and specifications for all armories and arsenals, and to superintend the erection and construction of such buildings.

CHAPTER 169.

An act to amend an act entitled "An act to authorize cities and towns owning public parks outside of their limits, to lay out, construct, and maintain roads, streets and boulevards from the boundaries of such cities and towns to, into, and through such parks, and to acquire lands for that purpose", which became a law, under constitutional provision, without governor's approval, March 1, 1897.

[Approved May 17, 1923.]

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

SECTION 1. Section one of an act entitled "An act to authorize cities and towns owning public parks outside of their limits, to lay out, construct, and maintain roads, streets, and boulevards from the boundaries of such cities and towns to, into, and through such parks, and to acquire lands for that purpose", which became a law, under constitutional provision, without governor's approval, March 1, 1897, shall be amended to read as follows:

Section 1. It shall be lawful for the council, board of trustees, or other governing body of any city or town, to lay out, open, construct, and cause to be constructed, maintain and control all roads, streets, and boulevards, which may be necessary or requisite for the purpose of connecting such city or town with any public park or playground situated wholly or partly outside of the limits of such city or town, of which it shall be the owner, and to acquire by gift, purchase, or condemnation, in the manner required by the law of eminent domain, any land or rights of way lying between the limits of such city or town and the exterior limits of such park or playground, for the purposes aforesaid.

Stats 1897,
p. 45.
amended.

City may
construct
and control
certain
streets.

CHAPTER 170.

An act authorizing the city of San Diego to convey certain tidelands to the United States of America, for naval purposes.

[Approved May 17, 1923.]

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

San Diego
authorized
to convey
certain
tidelands
to U. S.

SECTION 1. The city of San Diego is hereby authorized to convey to the United States of America, for naval purposes, the following described tidelands situate in the bay of San Diego, in the city of San Diego, county of San Diego, State of California, to wit:

Beginning at a point on the United States bulkhead line, as established in 1912, distant two hundred seventy and seventy-six hundredths feet south from the south line of Broadway produced west; thence south no degrees one minute forty seconds west, along said bulkhead line, a distance of one hundred thirty feet to a point; thence north eighty-nine degrees fifty-eight minutes twenty seconds west a distance of one thousand feet to a point on the United States pierhead line as established in 1912; thence north no degrees one minute forty seconds east along said pierhead line, a distance of one hundred thirty feet to a point; thence south eighty-nine degrees fifty-eight minutes twenty seconds east, a distance of one thousand feet to the point or place of beginning; said lands to be used exclusively by the United States navy department as a site for a pier;

Also, beginning at a point on the United States bulkhead line, as established in 1912, distant two hundred ten and seventy-six hundredths feet south from the south line of Broadway produced west; thence south no degrees one minute forty seconds west along said bulkhead line a distance of sixty feet to a point; thence north eighty-nine degrees fifty-eight minutes twenty seconds west a distance of sixty feet to a point; thence north no degrees one minute forty seconds east a distance of sixty feet to a point; thence south eighty-nine degrees fifty-eight minutes twenty seconds east a distance of sixty feet to the point or place of beginning; said lands to be used exclusively by the United States navy department for boat landing purposes.

Also, beginning at a point on the United States bulkhead line, as established in 1912, distant four hundred and seventy-six hundredths feet south from the south line of Broadway, produced west; thence south no degrees one minute forty seconds west, along said bulkhead line, a distance of fifty feet to a point; thence north eighty-nine degrees fifty-eight minutes twenty seconds west a distance of sixty feet to a point; thence north no degrees one minute forty seconds east a distance of fifty feet to a point; thence south eighty-nine degrees fifty-eight minutes twenty seconds east a distance of sixty feet to the point or place of beginning; said lands to be used exclusively by the United States navy department for boat landing purposes.

The particular location of said tidelands and the general location of said tidelands with reference to adjoining properties and with reference to other lands lying within the municipal boundaries of said the city of San Diego being particularly shown, delineated and set forth on a certain plat, dated January, 1923, on file in the office of the city clerk of said city, marked Document No. 148267, and endorsed, "Plat showing tide lands of the bay of San Diego to be granted and transferred to the United States for pier purposes."

SEC. 2. All acts and parts of acts inconsistent with or Repealed. in conflict with the provisions of this act, so far as they apply or refer to said tract of land herein granted, are hereby repealed.

CHAPTER 171.

An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the state, for the construction of sewers, septic tanks and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof and the determination of their validity and making provision for the payment of such bonds and the disposal of their proceeds; to empower sanitary boards to make and enforce sanitary regulations and providing penalties for violations thereof.

[Approved May 17, 1923.]

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

SECTION 1. Whenever twenty-five persons in any county of the state shall desire the formation of a sanitary district within the county, they may present to the board of supervisors of such county a petition, in writing, signed by them, stating the name of the proposed district, and setting forth the boundaries thereof, and praying that the lands included within such boundaries shall be organized as a sanitary district under the provisions of this act. Each of the petitioners must be a resident and freeholder within the proposed district. The petition must be verified by the affidavit of one of the petitioners, and must be published for at least two weeks preceding the hearing thereof in some newspaper of general circulation published in the county, together with a notice stating the time when said petition will be presented to the board of supervisors, and that all persons interested therein may appear and be heard. At such time the board of supervisors shall hear said petition, and may adjourn such hearing from time to time. The said board shall not modify the boundaries of the proposed district as set forth in said

Petition to
organize
sanitary
district.

Notice.

Hearing.

petition so as to exclude from such proposed district any land which would be benefited by the formation of such district. nor shall any lands which will not in the judgment of said board be benefited by such district be included within such district.

Lands
improperly
omitted.

If said board shall conclude that any lands have been improperly omitted from the proposed district and the owners thereof shall not have appeared at such hearing, said board shall by order continue the further hearing of said petition, and direct that notice shall be given to all such non-appearing landowners, requiring them to appear before said board and show cause, if any they have, why their lands should not be included in the proposed district. Said notice must be given either by publication in the same manner as the original petition and for the same period, or by personal service thereof on each such non-appearing landowner. If such notice be given by personal service, such service must be made at least three days prior to the date fixed for such further hearing. The board may grant further continuances, by order entered upon its minutes, to the end that a full hearing may be had.

Order fixing
boundaries
and calling
election.

SEC. 2. Upon the final hearing of said matter, the board, if it shall approve said petition as originally presented or in a modified form, shall make an order describing the exterior boundaries of the district, as determined by said board, and ordering that an election be held in said proposed district. The order must fix the day of such election, which must be within sixty days from the date of the order, and must state that at such election persons to fill the offices provided by this act, viz, a sanitary assessor, and five members of the sanitary board, will be voted for. This order shall be entered in the minutes of the board, and shall be conclusive evidence of the due presentation of a proper petition, and of the fact that each of the petitioners was, at the time of the signature and presentation of such petition, a resident and freeholder within the limits of the proposed district.

Notice of
election.

SEC. 3. A copy of such order shall be posted for four successive weeks prior to the election, in three public places within the proposed district, and shall be published for four successive weeks prior to the election in some newspaper published in the proposed district, if there be one, and if not, in some newspaper published in the county. It shall be sufficient if the order be published once a week.

Election.

SEC. 4. The board of supervisors, at least fifteen days prior to the election, shall select one, and may select two, polling places within the proposed district, and make all suitable arrangements for the holding of such election. They must appoint one inspector and two judges of election in each polling place, who shall constitute the officers of said election; if none are so appointed or if those appointed are not present at the time of the opening of the polls, the electors present may appoint them and they shall conduct the election.

The ballots shall contain the words, "Sanitary district: Yes," "Sanitary district: No," or words equivalent thereto, and also the names of the persons to be voted for at said election. At such election there shall be elected a sanitary assessor and five persons for members of the sanitary board. Such election, and all subsequent elections in said district, shall be conducted as nearly as practicable in accordance with the general election laws of the state, except that the provisions of said laws as to the form of ballots and the making of nominations shall not apply. Every qualified elector, resident within the proposed district for the period requisite to enable him to vote at a general election, shall be entitled to vote at the election above provided for. If a majority of the votes cast at such election shall be in favor of a sanitary district, the board of supervisors shall make and cause to be entered in the minutes of said board an order that a sanitary district of the name and with the boundaries stated in the order calling said election (setting forth such boundaries) has been duly established, and said order shall be conclusive evidence of the fact and regularity of all prior proceedings of every kind and nature provided for by this act or by law, and of the existence and validity of the sanitary district. If a majority of the votes cast shall be against a sanitary district, the board shall by order entered in its minutes, so declare; no other proceeding shall be taken in relation thereto until the expiration of one year from the date of the presentation of the petition to said board.

Order
declaring
result of
election.

Sec. 5. Every sanitary district formed under the provisions of this act shall have power to have and use a common seal, alterable at the pleasure of the sanitary board; to sue and be sued by its name; to construct, reconstruct, alter, enlarge, lay, renew, replace and maintain such sewers, drains, septic tanks and other drainage and sewage disposal system as in the judgment of the sanitary board shall be necessary or proper, and for this purpose to acquire by purchase, gift, devise, condemnation proceedings, or otherwise, such real and personal property and rights of way, either within or without the limits of the district, as in the judgment of the sanitary board shall be necessary or proper, and to pay for and hold the same; to make and accept any and all contracts, deeds, releases, and documents of any kind which, in the judgment of the sanitary board, shall be necessary or proper to the exercise of any of the powers of the district, and to direct the payment of all lawful claims and demands against it; to issue bonds as hereinafter provided, and to assess, levy, and collect taxes to pay the principal and interest of the same, and the cost of laying and the expense of maintaining any sewer or sewers that may be constructed subsequent to the issuance of said bonds or any lawful claims against said district, and the running expenses of the district; to employ all necessary agents and assistants, and pay the same; to lay its sewers and drains in any public street or road of the county, and for this purpose enter upon the same and make

Powers of
sanitary
district.

all necessary and proper excavations, restoring the same to proper condition; but in case such street or road shall be in an incorporated city or town the consent of the lawful authorities thereof shall first be obtained; to make and enforce all necessary and proper regulations for the removal of garbage, and the cleanliness of the roads and streets of the district, and all other sanitary regulations not in conflict with the constitution or laws of the state; any violation of any such regulations or ordinances is hereby declared to be a misdemeanor punishable by fine or imprisonment, or both; but no such fine shall exceed the sum of one hundred dollars; and no such imprisonment shall exceed one month; to call, hold and conduct all elections necessary or proper after the formation of the district; to prescribe, by order, the time, mode and manner of assessing, levying, and collecting taxes for sanitary purposes, except as otherwise provided herein; to compel all residents and property owners within the district to connect their houses and habitations with the street sewers, drains or other sewerage disposal system; and generally to do and perform any and all acts necessary or proper to the complete exercise and effect of any of its powers, or the purposes for which it was formed.

Officers

SEC. 6. The officers of the district shall be a sanitary assessor and five members of the sanitary board.

Sanitary assessor, election of.

SEC. 7. There shall be an election for sanitary assessor on every even-numbered year in which members of the sanitary board are elected, and at the same time, place and manner; and the person then elected shall hold office for two years next thereafter, and until the election and qualification of his successor. The person elected assessor at the election at which the district was formed shall hold office until the election and qualification of his successor; *provided*, that if at any time a vacancy occur in the office of assessor, the sanitary board shall appoint a suitable person to fill such vacancy until the next election at which an assessor may be elected under the provisions of this act.

Vacancies.

Annual assessment of property within district.

SEC. 8. It shall be the duty of the sanitary assessor to make out, before the first Monday in July of each year a list of all the tangible real and personal property within the district; he shall list the tangible real and personal property in any annexed district separately. Such list shall contain a general description of the property, which shall be substantially the same as the descriptions contained on the county assessment roll for the current year, an assessment of the value thereof, the name or names of the owner or owners, and such other matters as may be ordered by the sanitary board and such matters as shall be necessary to make such list conform to the provisions of the general laws of the State of California. The land shall be assessed separately from the improvements thereon.

When in the judgment of the assessor any property within the boundaries of a sanitary district cannot be fully served or benefited by the sewer system installed in such sanitary dis-

trict, he shall assess such property according to benefits received by said property from said sewer system within said sanitary district.

No mistake in the name of the owner of any of the real or personal property assessed, or any informality in the description, or in other parts of the assessments, shall invalidate the same. The sanitary assessor shall verify said list by his oath, before some officer authorized to administer oaths, and shall deposit the same with the sanitary board on the first Monday of July of each year, or as soon thereafter as is practicable. He shall have power to administer all oaths and affirmations necessary or proper in the performance of his duty as assessor, and shall receive such compensation as shall be fixed by the order of the board. He shall also perform such further duties and do such further acts as may be ordered or required by the sanitary board.

SEC. 9. There shall be an election for two members of the sanitary board in every even-numbered year, beginning with the second even-numbered year after the election at which the district was organized, and the two members then to be elected shall hold office until the election and qualification of their successors in the next even-numbered year; and there shall be an election for three members of the sanitary board in every odd-numbered year, beginning with the second odd-numbered year, after the election at which the district was organized, and the three members then to be elected shall hold office until the election and qualification of their successors in the next odd-numbered year. The five members elected at the election at which the district was organized shall, at their first meeting, or as soon thereafter as may be practicable, so classify themselves, by lot, that two of them shall go out of office in the second even-numbered year after the election at which the district was organized, and upon the election and qualification of their successors, as provided by this act. Each of the members of the sanitary board shall receive for each attendance of the meeting of the sanitary board, five dollars, and shall receive no other compensation, no member of the sanitary board, however, shall receive pay for more than one meeting in any calendar month. All elections for officers, after the formation of the district shall be held on the first Monday after the first Tuesday in the month of March. Not less than twenty days before the day of such election the sanitary board must give notice of said election by posting notices thereof in three public places in the sanitary district, which notices must specify the time and place of election, the hours during which the polls will be kept open, and the officers to be elected. They shall select one, and may select two, polling places within the district; shall appoint one inspector and two judges of election in each polling place, and make all necessary and proper arrangements for holding the election. Said election officers shall constitute the election board. If no election officers are so appointed, or if those appointed are not present at the time of the opening of the polls, the electors present may appoint them and they shall

Members
of sanitary
board, elec-
tion and
terms of.

Compensa-
tion.

conduct the election. Such election shall be conducted as nearly as practicable in accordance with the general election laws of the state, except that the requirements of said laws as to the form of ballots and the making of nominations of candidates shall not apply. Every qualified elector resident within the district for the period requisite to enable him to vote at a general election, shall be entitled to vote at the election. At such election the last great register of the county shall be used, and any elector whose name is not upon such great register shall be entitled to vote upon producing and filing with the board of election a certificate, under the hand and seal of the county clerk, showing that his name is registered and uncanceled upon the great register of such county, provided that he is otherwise entitled to vote.

Canvass
of vote.

The officers of the election must publicly canvass the votes immediately after the closing of the polls, and must certify the result within twenty-four hours after the closing of the polls to the sanitary board. Said board shall within five days after the election canvass said returns, and shall make, sign and deliver certificates of election to the person or persons elected.

Powers of
board.

SEC. 10. The sanitary board shall be the governing power of the district, and shall exercise all the powers thereof, except the making of an assessment list in the first instance as herein provided. At its first meeting, or as soon there-

Officers.

after as may be practicable, the board shall choose one of its members as president, and another of its members as secretary. And all contracts, deeds, warrants, releases, receipts, and documents of every kind shall be signed in the name of the district by its president, and shall be countersigned by its secretary. The board shall hold such meetings, either in the

Meetings.

day or in the evening, as may be convenient. In case of the absence or inability to act of the president or secretary, the board shall, by order entered upon the minutes, choose a president pro tem., or secretary pro tem., or both as the case may be.

Equalization
of assess-
ments.

SEC. 11. On the first Monday of July each year, at the hour of seven-thirty o'clock p.m., the sanitary board shall meet at its usual place of meeting within said district, and proceed to organize itself into a board of equalization, and if the sanitary assessor has returned the assessment list for said year said board shall proceed to equalize the property so assessed and returned by said sanitary assessor. If said assessment list has not been returned by said sanitary assessor said board must adjourn from day to day until said assessment list has been returned, and for the purpose of adjournment one or more of the members of said board present may make said adjournment and announce the same. Upon the assessment list having been returned by the assessor, said board of equalization shall proceed to equalize the property listed on said assessment list, and said board shall continue in session as a board of equalization until the property upon the entire list returned by the assessor shall have been

examined, rectified and equalized, with such reasonable intermissions during the day and from day to day as may be expedient. The board shall have power to hear complaints as to the proceedings of the assessor, and to adjudicate and determine the controversy thereon, and may of its own motion raise an assessment, after such reasonable notice to the party whose assessment is to be raised, as may be ordered by the board. After the examination and rectification of the assessor's list shall have been completed, the board shall, by resolution, fix the rate of taxation for sanitary purposes, designating the number of cents on each one hundred dollars to be levied for each fund and shall designate the fund into which the same shall be paid; but no more than fifteen cents on each one hundred dollars shall be levied for all the sanitary purposes of any one year, besides what shall be required for the payment of the principal and interest of such year upon outstanding bonds. After the entry in the minutes of the resolution fixing the rate of taxation the sanitary board shall cause the assessor to compute the amount of the tax upon each piece of real and personal property, and enter the same upon the assessment list in a suitable place. The list, when so completed, shall be verified by the assessor and signed by the president and secretary; and the amount of the tax shall thereupon become a lien upon the property upon which it is assessed, and shall have the effect of a judgment against the person of the owner thereof, and every such lien shall have the force and effect of an execution duly levied against all the property of the delinquent; and the judgment shall not be deemed satisfied or the lien extinguished until the taxes are paid or the property sold to satisfy the same, and no statute of limitations shall apply. The total outstanding bonds of such district shall at no time exceed in the aggregate fifteen per cent of the assessed value of all the real and personal property of such district.

Fixing
tax rate.

Tax a lien
on property
assessed.

Limit on
amount of
bonds.

Collection
of taxes.

Duty of
district
attorney.

Sec. 12. As soon as practicable, but not later than the third Monday in July, after the taxes have been computed and extended on the assessment list, verified by the assessor and signed by the president and secretary of said board, the board shall transmit, or cause the assessor to transmit, the list so made, or a duplicate thereof, to the tax collector of the county, who shall collect the taxes shown by said list to be due, in the same manner as he collects the county taxes, and all the provisions of the laws of the state as to the collection of taxes and delinquent taxes; and the enforcement of the payment thereof, so far as applicable, shall apply to the collection of taxes for sanitary purposes; and said tax collector, and the sureties on his official bond, shall be responsible for the due performance of the duties imposed upon him by this act; *provided*, that the sanitary board may, in its discretion, direct the district attorney of the county to commence and prosecute suits for the collection of the whole, or any portion of the delinquent taxes; and it shall be the duty of the district attorney to carry out such directions of the sanitary

board, and he, and the sureties upon his official bond, shall be responsible for the due performance of the duty imposed upon him by this act.

Collection
of delinquent
taxes.

All money collected for sanitary purposes by the district attorney under this act shall be at once paid to the county treasurer; *provided, further*, that the sanitary board may, at any time, by order entered in its minutes, provide a system for the collection of delinquent taxes, or make any change in the manner of their collection, which as to such taxes shall have the force of law.

Funds kept
by county
treasurer.

SEC. 13. The tax collector shall pay over to the county treasurer all moneys collected by him for sanitary purposes, as fast as the same shall be collected, and the said treasurer shall keep the same in the county treasury as follows: In a fund called the bond fund of sanitary district (naming it) he shall place and keep the moneys levied by the sanitary board for such fund; and no part of the money in this fund shall be transferred to any other fund, or be used for any other purpose than the payment of the principal and interest of the bonds of the sanitary district, and for the retirement of bonds which had been issued by a district which formerly formed a part of the sanitary district as hereinafter provided for, so long as any such bonds shall be unpaid; in a fund called the running expense of sanitary district (naming it) he shall place and keep the moneys levied by the sanitary board for such fund. The whole or any part of the money in the running expense fund may be transferred to the bond fund, or to the other fund hereinafter provided for, upon the order of the sanitary board, and it shall be the duty of the treasurer to comply with such order. The treasurer shall pay out moneys from either of said funds, or from the fund hereinafter mentioned, only upon the written order of the sanitary board, signed by the president and countersigned by the secretary, which order shall specify the name of the person to whom the money is to be paid and the fund from which it is to be paid, and shall state generally the purpose for which the payment is made, and such order shall be entered in the minutes of the sanitary board. The treasurer shall keep the order as his voucher, and shall keep a specific account of his receipts and disbursements of money for sanitary purposes. The treasurer and sureties upon his official bond shall be liable for the due performance of the duties imposed upon him by this act. The treasurer shall keep the money arising from the sale of bonds in the fund hereinafter mentioned.

Bond
election.

SEC. 14. At any time after the district is organized the sanitary board, by order entered in the minutes, may, when in its judgment it is advisable, and must, upon a petition of a majority of the qualified electors residing in the district, call an election and submit to the electors of the district the question whether the bonds of such district shall be issued and sold for the purpose of raising money for construction, reconstruction, alteration, laying, renewing, replacing or

enlargement of sewers, drains or septic tanks or other drainage or sewer system, whether the same be for a system of the same nature as or of a different nature than the system already installed or constructed for the disposal of sewage.

The order calling such election shall be valid and effectual when signed by two-thirds of the members of said sanitary board, and may so submit to said electors as one proposal the question of issuing bonds to make all said outlays, or so many of them as may be selected, or said order may submit at said election as separate questions the issuance of bonds for any of said outlays singly or in such combinations as the order may direct.

SEC. 15. Notice of such election shall be given by posting notices, signed by the board, or by a majority thereof, in three public places in the district, not less than twenty days before the election; and by publishing such notice not less than once a week for three successive weeks before the election in a newspaper printed and published in the district, if any newspaper is published therein, and if not, in a newspaper printed and published in the county. Notice of election.

SEC. 16. Such notice shall contain: Contents of notice

1. Time and place of holding such election.
2. The names of the officers of election appointed to conduct the same.
3. The hours during the day in which the polls will be open.
4. A statement of the purpose for which the election is held.
5. The amount and denomination of the proposed bonds, the rate of interest and the number of years, not exceeding forty, the whole or any part of said bonds are to run.

SEC. 17. At any time prior to the day fixed for the election, the board shall select one, and may select two, polling places within the district, appoint one inspector and two judges of the election for each polling place, and make all necessary and proper arrangements for holding the election. If no election officers are appointed, or if those appointed are not present at the time for opening the polls, the electors present may appoint them and they shall conduct the election. The vote must be by ballot (without reference to the general election law in regard to form of ballot). The ballot shall contain the words "Bonds—Yes" and "Bonds—No," and the persons voting at said bond elections shall put a cross (X) upon their ballots after the words "Bonds—Yes" or "Bonds—No" (as the case may be) to indicate whether they have voted for or against the issuance of bonds. Conduct of election.

The elections shall be conducted in accordance with the general election laws of the state, so far as the same shall be applicable, except as herein otherwise provided.

Every qualified elector resident within the district for the length of time necessary to enable him to vote at a general election shall be entitled to vote at the elections above provided for. After the votes shall have been announced the ballots shall be sealed up and delivered to the secretary or president of the sanitary board, which board shall on the seventh day after the

Two-thirds
vote.

election, at eight o'clock p.m., meet and canvass the returns of the election, and if it appears that two-thirds of the votes cast at said election were in favor of issuing such bonds, then the board shall cause an entry of that fact to be made upon its minutes. Such entry shall be conclusive evidence of the fact and regularity of all prior proceedings of every kind and nature provided by this act or by law, and of the facts stated in such entry. If, at such election, two-thirds of the votes cast be in favor of the issuance of bonds as proposed by the sanitary board, the said board shall thenceforth have full power and authority to issue and dispose of bonds as proposed in the order calling the election.

Issuance
of bonds.

SEC. 18. All bonds issued under the provisions of this act shall be of such denominations as the sanitary board may determine, except that no bonds shall be of a less denomination than one hundred dollars, nor of a greater denomination than one thousand dollars. Said bonds shall be payable in gold coin of the United States at the office of the county treasurer of the county wherein said district is situated, and shall bear interest at a rate not exceeding six per cent per annum, which interest shall be payable semi-annually in like gold coin. Not less than one-fortieth part of the total issue of bonds shall be payable each year, or a day to be specified by the sanitary board, but no bonds shall be payable in installments, but each bond issued hereunder shall be payable in full on the date specified therein by said board. Each bond shall be signed by the president and countersigned by the secretary of the sanitary board, and said bonds shall be numbered consecutively, beginning with number one, and shall have coupons attached referring to the number of the bond to which they are attached. The bonds must be disposed of by the sanitary board in such manner and in such quantities as may be determined by said board in its discretion, but no bond must be disposed of for less than its face value. The proceeds of such sale shall be deposited with the county treasurer and shall be by him placed in the fund to be called the sewer construction fund of — sanitary district (naming it); the money in such fund shall be used for the purpose indicated in the order calling the election upon the question of the issuance of the bonds, and for no other purpose; provided that if after such purposes are entirely fulfilled any balance remain in such fund, such balance may, upon the order of the sanitary board, be transferred to either of the other funds provided by this act.

Exchange
of bonds.

SEC. 19. If the result of the election be against the issuance of bonds, no other election upon the question shall be called or held for a period of one year. After a district organized under the act of 1891, mentioned in section thirty-one hereof, shall have been reorganized under this act as provided in said section thirty-one hereof, the entire amount of unredeemed bonds issued by such districts under the provisions of said act of 1891 may be presented by the holder or holders thereof to the sanitary board organized under the

provision of this act or to sanitary districts reorganized under the provision of section thirty-one of this act, and there shall be exchanged therefor and issued in lieu thereof to such holder or holders, by the sanitary board organized under the provision of this act or to sanitary districts reorganized under the provision of section thirty-one of this act, bonds issued in accordance herewith for the various amounts of the bonds so surrendered; it being the intention hereof to permit the surrender of sanitary district bonds heretofore issued payable in installments by the holder thereof, and the exchange therefor of a like amount of bonds of such sanitary district having a denomination equal to the installments payable under one or more of the bonds heretofore issued by any one sanitary district; said new bonds to be payable as nearly as practicable at the same time as said installments and in equal amounts; the amount of said new bonds issued in lieu of said old bonds to be payable in any one year to equal the amount of the installments on said old bonds payable in such year. All expenses of the exchange shall be borne by the holder of the bonds presented for exchange, and interest on the new bonds shall be paid at the same time and rate as on the old bonds. Upon such exchange being effected the old bonds shall be canceled by punching holes in the signatures thereto attached, and shall be retained by the treasurer of said county as evidence of such cancellation.

SEC. 20. The sanitary board of each district shall annually levy a tax upon the taxable property in the district sufficient to pay the interest of said bonds for the year, and such portion of the principal as is due or is to become due during such year, and in any event the tax must be high enough to raise annually a proportion of the principal of said bonds equal to the sum produced by dividing the whole amount of said bonds outstanding by the number of years said bonds then have to run, so that the entire amount of principal and interest of said bonds shall be paid at or before maturity, and in any event within forty years of the date of issuance of the bonds; and it is hereby made the duty of the tax collector, or such other person as may be charged with the duty of collecting the sanitary taxes, to collect the said taxes so levied. If, for any reason, any portion of the tax for any year remains unpaid, and in consequence thereof any portion of the interest or principal due for any year remains unpaid, the same shall be added to the levy for the next year, and be collected and paid accordingly. The payment of the whole amount of the principal and interest of all of said bonds, within forty years from their issuance, is hereby made the imperative duty of the district; and, if necessary for that purpose, a special tax shall be levied; and it is hereby made the duty of every officer and board to do his or its respective part towards the levy, collection, and payment of such tax; and mandamus shall issue from the superior court of the county in which the district is situated, or from any other

Tax to pay
interest and
principal.

Payment
within forty
years.

competent court, upon application of any party interested, for the purpose of compelling the performance of the duty imposed by this act upon any and all officers or boards.

Action to
determine
validity
of bonds.

SEC. 21. If the result of any election upon the question of the issuance of bonds be in favor of such issuance, the sanitary board may, in their discretion, before such issuance, commence, in the superior court of the county, a special proceeding to determine their right to issue such bonds and the validity thereof, similar to the proceeding in relation to irrigation bonds, provided for by an act entitled "An act to provide for the organization and government of irrigation districts and to provide for the acquisition or construction thereby or works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897; and all acts amendatory thereof and supplementary thereto, and all the provisions of said act shall apply to and govern the proceedings so to be commenced by the sanitary board, so far as the same are applicable; and said proceedings shall be in accordance with the provisions of said act, so far as the same are applicable, and the judgment in such proceedings shall have the same effect as a judgment in relation to irrigation bonds under the provisions of said act.

Publication
of orders.

SEC. 22. Any general regulation of the sanitary board shall be entered in the minutes, and such regulation shall be published once in some newspaper published within the district, if there be one, and if there be no such newspaper then such regulation shall be posted for one week in three public places within the district. A subsequent order of the board that such publication or posting has been duly made shall be conclusive evidence that such publication or posting has been properly made. Orders not establishing a general regulation need not be published or posted (unless otherwise provided by this act), but shall be entered in the minutes, and the entry shall be signed by the secretary of the board. A general regulation shall take effect immediately upon the expiration of the week of publication or posting thereof. An ordinary order shall take effect upon the entry in the minutes.

Duty of
district
attorney.

SEC. 23. The board may instruct the district attorney of the county to commence and prosecute any and all actions and proceedings necessary or proper to enforce any of its regulations or orders, and may call upon said district attorney for advice as to any sanitary subject; and it shall be the duty of the district attorney to obey such instructions and to give advice when called on by the board therefor. The board may

Fines.

at any time employ special counsel for any purpose. All fines for the violation of any regulation or order of the sanitary board shall, after the expenses of the prosecution are paid therefrom, be paid to the secretary of the board, who shall forthwith deposit the same with the county treasurer, who shall place the same in the running expense fund of the district.

SEC. 24. The district may at any time be dissolved upon the vote of two-thirds of the qualified electors thereof, upon an election called by the sanitary board upon the question of dissolution. Such election shall be called and conducted in the same manner as other elections of the district. Upon such or any other dissolution the property of the district lying within the corporate limits of any city or town shall vest absolutely in the incorporated city or town; and if the whole or a portion of the property of the district is without the corporate limits of an incorporated city or town the whole or the portion of the property of the district that lies without the corporate limits of the city or town shall vest in the board of supervisors of the county until the formation of a city or town embracing the territory lying without such incorporated city or town; *provided, however*, that if at the time of such election to dissolve such district there be any outstanding bonded indebtedness of such district, then, in such event, the vote to dissolve the district shall dissolve the same for all purposes, excepting only the levy and collection of taxes for the payment of such indebtedness and for the payment of the expenses of assessing, levying and collecting the same, and the expense of maintenance of said sewer system, and from the time such district is thus or otherwise dissolved, until such bonded indebtedness, with the interest thereon, is fully paid, satisfied and discharged, the legislative authority of said incorporated city or town, where the property of the district lies wholly within the corporate limits of an incorporated city or town, and in all other cases the board of supervisors are hereby constituted, *ex officio*, the sanitary board of such district. And it is hereby made obligatory upon such board or legislative authority to levy such taxes and perform such other acts as may be necessary in order to raise money for the payment of such indebtedness and the interest thereon, and for the purpose of maintenance of the sewer system as herein provided, and said board or legislative authority shall maintain the sewer system installed in proper condition and shall fulfill and compel fulfillment of any and all contracts made by the sanitary district for the right of connections made with property lying outside of the boundaries of said district; and shall maintain and protect all other rights acquired by the district; and shall not permit connection to be made with the system installed by any property outside of the boundaries of said sanitary district existing at the time of dissolution.

SEC. 25. The sanitary board shall have power, except in incorporated cities or towns, at any time after main sewers, or other sewers are laid, to order and contract for the construction of a sewer in any street, highway or upon property and rights of way owned by the sanitary district or part of any street, highway or property or rights of way owned by sanitary districts where a sewer is not already constructed, and to provide by such order that the cost thereof shall be borne by the property fronting along the line of the sewer, or to be borne by a district as ordered; *provided, however*, that the sanitary

Dissolution
of district.Construction
of sewers.

Street im-
provement
act of 1911
to apply.

board may so order and contract for the construction of a main sewer and provided that the cost thereof shall be borne by the property fronting the line of the sewer, or be borne by a district as ordered, by unanimous vote of the board, if only a portion of the property in the sanitary district will be affected or benefited by the construction of such main sewer. The provisions of that certain act entitled, "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places and sidewalks, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds" (approved April 7, 1911), and the amendatory acts thereto, is hereby made applicable to sanitary districts. All proceedings shall be had in accordance with the provisions of said act and the amendments thereto; *provided, however*, that the words "city council" and "council" used in said act shall be understood to mean sanitary boards. The words "city" and "municipality" shall be understood to mean sanitary districts. The words "clerk" and "city clerk" shall be understood to mean "secretary" of the sanitary board. The words "superintendent of streets" and "street superintendent" and "city engineer" shall be understood to mean the engineer of such "sanitary district" and the terms "treasurer" and "city treasurer" shall be understood to mean any person or official who shall have charge of and make payment of the funds of such sanitary district. The term "right of way" shall mean any parcel of land through which a right of way has been granted to the sanitary district for the purpose of constructing and maintaining a sewer therein; *and provided, further*, that all the powers and duties conferred by the said provisions of said act and acts amendatory and supplementary thereto upon city councils, superintendents of streets, clerk and city clerks, and treasurers and engineers, are hereby conferred and imposed upon the respective officers and board above specified.

Annexation
of territory.

Petition.

SEC. 26. The boundaries of any sanitary district may be altered, and outlying contiguous territory in the same county as such sanitary district annexed thereto in the manner following: A petition signed by twenty-five per cent of the freeholders residing in such contiguous territory proposed to be annexed as shown by the last equalized assessment book of the county in which said sanitary district is situated, designating specifically the boundaries of such contiguous territory proposed to be annexed, and the assessed valuation thereof as shown by said last equalized assessment book, and stating that such territory is not within the limits of any other sanitary district, and asking that such territory be annexed to such sanitary district, shall be presented to the sanitary board thereof, together with a duly executed bond for the sum of not

less than one hundred dollars, to be approved, by said sanitary board and filed with the secretary of the sanitary board as security for the payment by said petitioners of the reasonable costs of the election hereinafter provided for, in the event that at said election less than a majority of the votes cast are in favor of the annexation of the proposed territory to the sanitary district. The petition must be verified by the affidavit of one of the petitioners and must be published for at least two weeks preceding the hearing thereof in a newspaper of general circulation published in the sanitary district, if there be one, and if not, in a newspaper of general circulation published in the county, together with a notice stating the time when said petition will be presented to the sanitary board and that all persons interested therein may appear and be heard. At such time the sanitary board shall hear said petition and may adjourn such hearing from time to time. The said sanitary board shall not modify the boundaries of such contiguous territory proposed to be annexed as set forth in said petition so as to exclude therefrom any land which would be benefited by the annexation of such territory to said sanitary district, nor shall any lands which will not in the judgment of said sanitary board be benefited by annexation to said district be included within the boundaries of the territory proposed to be annexed.

Publication.

Hearing.

SEC. 27. Upon the final hearing of said matter the sanitary board, if it shall approve said petition as originally presented or in a modified form, shall make an order describing the exterior boundaries of the contiguous territory proposed to be annexed and ordering that an election be held for the purpose of determining whether or not such proposed territory shall be annexed to said district. The order must fix the day of such election, which must be within sixty days from the date of the order, and must show the boundaries of the territory proposed to be annexed to said district. This order shall be entered in the minutes of the sanitary board and shall be conclusive evidence of the due presentation of a proper petition, and of the fact that each of the petitioners was at the time of the signing of the petition and the presentation thereof a resident and freeholder within the territory proposed to be annexed to said district.

Order for election.

A copy of such order shall be posted for four successive weeks prior to the election, in three public places within the district and the district proposed to be annexed, and shall be published for four successive weeks prior to the election in some newspaper published in the district, if there be one, and if not, in some newspaper published in the county. It shall be sufficient if the order be published once a week. At any time prior to the day fixed for the election, the board shall select one and may select two polling places within the sanitary district, and shall select one and may select two polling places within the district proposed to be annexed, appoint officers of election, and make all necessary and proper arrangements for holding the election. Upon the ballots to

Publication.

Conduct of election.

be used at such election there shall be printed the words, "For annexation to the sanitary district," and "Against annexation to the sanitary district," and there shall be a voting square to the right of and opposite each such proposition. The election shall be conducted in accordance with the general election laws of the state, so far as the same shall be applicable, except as herein otherwise provided. Every qualified elector resident within the district and the district proposed to be annexed for the length of time necessary to enable him to vote at a general election shall be entitled to vote at the election above provided for. After the votes shall have been announced the ballots shall be sealed up and delivered to the secretary or president of the sanitary board which shall, as soon as practicable proceed to canvass the same. Immediately upon the completion of such canvass said sanitary board shall cause a record thereof to be made and entered upon its minutes showing the whole number of votes cast in such sanitary district, the whole number of votes cast in the district proposed to be annexed, the whole number of votes cast in each in favor of annexation, and the number thereof cast in each against annexation; and if it shall appear from such canvass that a majority of all of the votes cast in such sanitary district and a majority of all the votes cast in the district proposed to be annexed, are in favor of annexation the secretary, or other officer performing the duties of secretary of the sanitary board of such sanitary district shall make and cause to be entered in the minutes of said board and endorsed on said petition an order approving said petition, and said petition shall thereupon be transmitted and filed with the board of supervisors of the county in which such sanitary district is situated. Such entry shall be conclusive evidence of the fact and regularity of all prior proceedings of every kind and nature provided by this act or by law, and the facts stated in such entry. Said board of supervisors, at its next regular meeting after filing of said petition, shall by an order alter the boundaries of said sanitary district and annex thereto the contiguous territory described in said petition. Such order shall be conclusive evidence of the validity of all prior proceedings leading up to such annexation and recited in said order, and from and after the same such territory shall become and be a part of such sanitary district. If at said election less than a majority of the votes cast in either the sanitary district or the district proposed to be annexed be in favor of annexation of the proposed territory to the sanitary district, the signers of said petition shall, within ten days after the canvassing of the votes of said election, pay to the sanitary board a sum of money covering the reasonable cost of said election, and if said sum of money is not so paid within ten days, as aforesaid, the sanitary board shall have the right of action under said bond to recover the reasonable cost of said election, and the sanitary board shall, by order, disapprove said petition and enter the same in the minutes of said board, and no other proceedings shall be

Canvass
of votes.

Majority
vote.

Payment of
costs when
vote adverse.

taken in relation thereto until the expiration of one year from the presentation of said petition, except to collect the costs of said election as herein provided.

At any time after the annexation of such contiguous territory, the sanitary board may issue bonds for the construction of sewers therein in the manner and for the purposes prescribed and specified in sections fourteen to twenty-one, inclusive, of this act; *provided, however*, that only qualified electors resident within said annexed territory shall be entitled to petition or vote in said proceedings; *and provided, further*, that taxes for the payment of the principal and interest of such bonds shall be limited to the taxable property situate within such annexed contiguous territory; *provided, further*, that nothing in this section shall be construed to limit the powers or alter the procedure elsewhere in this act provided for the issuance of bonds by an entire district and payable out of taxes levied upon all the taxable property therein whether the boundaries of the district remain as originally established or have been altered by the annexation of contiguous territory.

Issue of
bonds after
annexation.

SEC. 28. At any time after the sewer or other sanitary system is constructed the board of trustees or other governing body of any municipal corporation lying within the limits of any sanitary district may elect to keep and maintain the lateral sewer lying within said municipality in order and repair and may enter into an agreement with the sanitary board so to do. From and after the date of such agreement said board of trustees shall keep said lateral in repair and the sanitary board shall not be required to keep the same in order or repair. After a municipality elects to keep the lateral sewers within its corporate limits in order and repair the property within the corporate limits of such municipality shall not be taxed for running expenses except for the inspection and repairs of the main sewers lying within such municipality.

Lateral
sewer main-
tained by
city

SEC. 29. Whenever the sanitary board of an original sanitary district, or of a sanitary district the boundaries of which have been altered by the annexation of outlying contiguous territory, as provided for in this act, shall by order passed by a vote of two-thirds of all its members and approved by the president of the board, which order shall be entered in the minutes, determine that the public interest or necessity of the original district or of a district whose boundaries have been altered by the annexation of outlying contiguous territory, demands the construction of a larger main sewer or a different system, the board may call an election for the purpose of determining whether bonds shall be issued for the construction of a larger main sewer or for a system different from that already constructed for the disposal of sewage.

Construction
of large
main sewer
or different
system

The proceedings in respect to the issuance of bonds for such purposes shall in every respect, except as in this section otherwise provided, conform to the requirements of sections fourteen to twenty-one inclusive of this act.

Nomination of elective officers.

SEC. 30. The mode of nomination of election of all elective officers of such sanitary district, to be voted upon at any sanitary election, shall be as follows and not otherwise. The name of the candidate shall be printed upon the ballot, when a petition of nomination shall have been filed with the secretary of the board, when the district is already formed, or with the clerk of the board of supervisors when the election is for the purpose of forming a sanitary district, in his behalf in the manner and form as follows: The petition of nomination shall consist of not less than five nor more than twenty signatures and shall read substantially as follows:

Petition of nomination.

PETITION OF NOMINATION.

State of California } ss.
County of _____ }

I (or we) the undersigned certify that I do hereby join in a petition for the nomination of _____ for the office of _____ of the sanitary board of sanitary district No. _____ to be voted for at the sanitary election to be held in sanitary district No. _____ of the county of _____ on the _____ day of _____, 19____, and I further certify that I am a qualified elector, residing within said district, and am not at this time a signer of any other petition nominating any other candidate for the above office, or in case there are several places to be filled in the above named office that I have not signed more petitions than there are places to be filled in the above office.

(Signed) _____

State of California } ss.
County of _____ }

_____ being first duly sworn deposes and says: That he is one of the persons who signed the foregoing petition and that the signatures thereto are the genuine signatures of the persons whose names are signed thereto.

The certificate of nomination may be upon one or more papers, which certificate must contain the name of one candidate and no more.

Each signer must be a qualified elector, residing within said district, and must not at the time of the signing a certificate have his name signed to any other certificate for any other candidate for the same office, nor in case there are several places to be filled in the same office signed to more certificates for that office than there are places to be filled for that office. The certificate or certificates shall be verified under oath of one of the signers thereto, that the signature or signatures is, or are, the true and genuine signatures of the persons whose names are signed thereto.

A petition or petitions of nomination, as aforesaid, may be presented to the secretary of the sanitary board, where a sanitary district is already formed or to the county clerk, where a sanitary district has not been formed, not earlier than thirty days nor less than twenty days before the election. The secretary of the sanitary board, where a sanitary district is already formed or the county clerk, where a sanitary district has not been already formed shall indorse thereon the date upon which the petition was presented to him. When a petition of nomination is presented for filing the secretary of the sanitary board, where a sanitary district is already formed or the county clerk, where a sanitary district has not been formed shall forthwith examine the same and ascertain whether or not it conforms with the provisions of this section. If found not sufficient it shall be returned to the person who presented the same. The secretary of the sanitary board, or the county clerk, shall cause the ballots to be printed and they shall contain the names of the candidates whose nomination petition or petitions have been filed as provided for herein.

Sec. 31. Any territory organized or reorganized as a sanitary district under the act entitled, "An act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the state for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds and the disposal of their proceeds." approved March 31, 1891, or under the act entitled, "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the state, for the construction of sewers, septic tanks, and other sanitary disposal of sewerage matter; the acquisition of property thereby, the calling and conducting of elections in such districts; the assessment, levying, collection, custody, and disbursement of taxes therein; the issuance, disposal and retirement of the bonds thereof, and the determination of their validity and making provision for the payment of such bonds, and the disposal of their proceeds." approved May 25, 1919, may be organized as a sanitary district under the provisions of this act. To effect such reorganization a petition, signed by not less than twenty-five residents and freeholders within such territory, and also by a majority of the members of the sanitary board of such district, shall be presented to the board of supervisors of the county in which such territory is situate. Such petition shall be verified by at least one of the petitioners in the manner prescribed by law for the verification of pleadings, and shall set forth the boundaries and name of the district and pray that the same be reorganized under the provisions of this act. Said petition must be published for at least two weeks preceding the hearing thereof in some newspaper of general circulation published in

Reorganization of districts formed under acts of 1891 or 1919.

the county, together with a notice stating the time when such petition will be presented to the board of supervisors, and that all persons interested therein may appear and be heard. At such time the board of supervisors shall hear said petition. The said board shall not modify the boundaries of the said district as set forth in said petition so as to exclude from said district any land which would be benefited by the reorganization of said district under the provisions of this act, nor shall any lands which will not in the judgment of said board be benefited by such reorganized district be included within such district. If the board of supervisors find, upon the final hearing of said petition, that the statements therein are correct they shall make an order approving the same, describing the exterior boundaries of the territory included within said district as determined by said board and ordering that such territory be organized as a sanitary district under the provisions of this act. From and after the making of such order of the board of supervisors, the district shall be deemed to be organized under this act with all the powers conferred herein; the persons in office at the time of such reorganization shall be entitled immediately to enter upon the duties of the like offices of the district so reorganized, and shall continue therein until the expiration of the term for which they have been elected or appointed.

Reorganized district the successor of the original district.

SEC. 32. Any sanitary district organized under the provisions of section 31 of this act shall, for all purposes, be deemed and taken to be in law the identical district theretofore formed and existing; and such reorganization shall in no wise affect or impair the title to any property owned or held by such district, or in trust therefor, or of any debt, demands, liabilities or obligations existing in favor of or against such district, or any proceedings then pending, and any and all such titles, debts, demands, liabilities, obligations and proceedings shall have the same validity, force and effect as if the same had been acquired, incurred, accrued or taken while such district was organized under the provisions of this act; nor shall the same operate to repeal or affect in any manner any ordinance theretofore passed or adopted and remaining unrepealed, or to discharge any person from any liability then existing for any violation of such ordinance; but such ordinances, so far as the same are not in conflict with general laws shall be and remain in force until repealed or amended by competent authorities; *provided*, that proceedings theretofore commenced shall, after such reorganization, be conducted in accordance with the provisions of this act.

Construction of act.

SEC. 33. The provisions of this act shall be liberally construed to carry out the purposes hereof.

Emergency measure.

SEC. 34. Inasmuch as in many communities of this state there is at this time urgent need for the construction of sewers and for the exercise of other powers conferred upon sanitary districts by the provisions of this act, this act is declared to be necessary for the immediate preservation of the public health, and to be an urgency measure within the meaning of section one of article four of the constitution.

CHAPTER 172.

An act to amend an act entitled "An act providing for the regulation of water companies, defining their powers and duties, defining the powers and duties of the railroad commission with reference thereto, and defining the conditions under which such water companies become subject to the provisions of the public utilities act and the railroad commission of the State of California," approved April 30, 1913, by amending section one thereof.

[Approved May 18, 1923.]

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

SECTION 1. Section one of an act entitled "An act providing for the regulation of water companies, defining their powers and duties, defining the powers and duties of the railroad commission with reference thereto, and defining the conditions under which such water companies become subject to the provisions of the public utilities act and the railroad commission of the State of California," approved April 30, 1913, is hereby amended to read as follows:

Stats. 1913,
p. 84,
amended.

Section 1. Whenever any person, firm or private corporation, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any water system within this state, sells, leases, rents or delivers water to any person, firm, private corporation, municipality or any other political subdivision of the state whatsoever, except as limited by section two hereof, whether under contract or otherwise, such person, firm or private corporation is a public utility, and subject to the provisions of the public utilities act of this state and the jurisdiction, control and regulation of the railroad commission of the State of California; *provided, however*, that whenever the owner of a water supply not otherwise dedicated to public use and primarily used for domestic purposes by such owner or for the irrigation of such owner's lands, shall sell or deliver the surplus of such water for domestic purposes or for the irrigation of adjoining lands, or whenever such owner shall, in an emergency water shortage sell or deliver water from such supply to others for a limited period not to exceed one irrigation season, or whenever such owner shall sell or deliver a portion of such water supply as a matter of accommodation to neighbors to whom no other supply of water for domestic or irrigation purposes is equally available then such owner shall not be subject to the jurisdiction, control and regulation of the railroad commission of the State of California; *provided, further, however*, that for the purpose of determining the status of any person, firm or private corporation, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any water system or water supply within this state, the railroad commission may hold hearings and issue process and orders in like manner and to the same extent as provided in the public utilities act of the State of Cali-

Water com-
pany public
utility,
when.

fornia and the findings and conclusions of the railroad commission on questions of fact arising under this act shall be final and not subject to review, except as provided in said public utilities act.

CHAPTER 173.

An act to amend section eleven of an act entitled "An act to provide for the issuance of improvement bonds to represent and be secured by certain assessments made for the cost of certain work and improvements made in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities and upon property and rights of way owned by municipalities, to provide for the collection of such assessments, the sale of the property affected thereby and for the payment of the bonds so issued," approved June 11, 1915.

[Approved May 18, 1923.]

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

Stats. 1921,
p. 228,
amended.

SECTION 1. Section eleven of an act entitled "An act to provide for the issuance of improvement bonds to represent and be secured by certain assessments made for the cost of certain work and improvements made in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities and upon property and rights of way owned by municipalities, to provide for the collection of such assessments, the sale of the property affected thereby and for the payment of the bonds so issued," approved June 11, 1915, is hereby amended to read as follows:

Unpaid
assessments
a trust
fund and
a lien.

Sec. 11. (a) In the event of such bonds being so issued, then the assessments, which shall be unpaid, as shown on the list filed by the superintendent of streets and determined by the city council, and any reassessments which may be issued thereon or in lieu thereof, together with interest thereon, shall remain and constitute a trust fund for the redemption and payment of said bonds and of the interest which may be due thereon. Such assessments and reassessments and each installment thereof and the interest and penalties thereon shall be and shall continue to constitute a lien against the lots and parcels of land on which made, until the same be paid, but for a period not exceeding the time within which an action might be brought on the last series of bonds issued upon the security of such unpaid assessments. Such lien shall be prior and superior to all other liens, except the lien for state, county and municipal taxes and public improvement assessments and reassessments which may have priority thereover; *provided, however,* that unmatured installments, interest and penalties shall not be deemed to be within the terms of any general warranty of title.

(b) Whenever any assessment heretofore issued or which may be hereafter issued is or shall be void or unenforceable, for any cause, or if bonds shall have been, or shall be, issued hereunder to represent or be secured by any assessments and such issuance shall not have been or shall not be effective through the curative provisions in relation thereto under said street work act or under this act to make them valid and enforceable, then, in any of such events a reassessment therefor may be issued. Such reassessment shall be issued upon the demand of the owner or holder of bonds aggregating one-third of the principal amount outstanding and shall be issued and made in the manner and form provided by said street work act. When so issued the reassessment made shall stand and constitute a trust fund for the redemption and payment of the original bonds so issued; *provided*, that the city council may call in the original issue of bonds outstanding and issue new bonds upon the security of the reassessment in lieu thereof. The city council may determine that new serial bonds shall be issued upon the security of such reassessment, in which event it shall so declare in the notice of hearing upon such reassessment and set forth therein the description of said bonds as provided for in section four hereof. In such event upon confirmation of the reassessment said council may issue said bonds after notice by the clerk as provided in section five thereof. Upon calling in by the city council of the original issue of bonds outstanding, the council may direct the city treasurer to, and the treasurer shall thereupon, advance the maturity of said bonds outstanding bearing interest in the manner provided in section 9 hereof, notwithstanding that there may not be surplus moneys in the redemption fund with which to pay same. Such new bonds shall be issued in an aggregate amount equal to the total balance of the reassessment unpaid and shall bear interest from the date of recordation of the reassessment at the rate fixed by the council. After such issuance of said new bonds and upon surrendering of the bonds outstanding, new bonds shall be issued ratably to the holders of the original bonds outstanding, each holder of such original bonds being entitled to such proportion of the new bonds as the total amount of the principal and interest due him on his original bonds, as of the date of such recordation of the reassessment, bears to the total amount of the principal of such new bonds. In making distribution the council shall have authority to assign the different bonds and allot maturities in such manner as to it shall seem equitable.

Reassess-
ment, when
issued.

New bonds.

(c) In the event of nonpayment of any assessment or reassessment or installment thereof, or of any interest thereon, and as a cumulative remedy, the same when due as hereinafter provided, may by order of the council be collected by suit brought to foreclose the lien thereof in the same manner as provided in said street work act for the foreclosure of other assessments by action in a superior court, and with like costs, attorneys' fees and other relief. Thereupon the tax collector shall be credited upon the assessment roll then in his hands

Order for
collection of
delinquent
tax by suit

with the amount charged against him on account of such assessments or reassessments ordered to suit and be relieved of further duty in regard thereto.

Procedure.

(d) Such action shall be brought in the name of the city. The complaint may be brief and include substantially only the following allegations with reference to the assessments sought to be collected: that on a date stated the council passed its resolution ordering certain work to be done, without describing the same; that work was done thereunder; that an assessment and warrant to pay for the cost thereof was duly given and made; that same was returned on a stated date; that certain property (describing it) was therein assessed a stated amount; that bonds upon the security of such assessment were duly issued giving the date of said bonds their interest rate and the number of years the last installment of same were to run and that same were duly issued under this act, but it shall be unnecessary to state the amount, number, denomination or other term thereof; that on a date stated a certain sum came due against said property on said assessment and had not been paid and that the council had directed the action to foreclose. In such action the plaintiff upon recovering judgment shall be entitled to a reasonable counsel fee to be allowed by the court and taxed as costs.

Counsel fee

CHAPTER 174.

An act granting certain lands, tidelands and submerged lands of the State of California to the city of Oakland and regulating the management, use and control thereof.

[Approved May 18, 1923.]

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

Certain
state lands
granted to
Oakland.

SECTION 1. There is hereby granted to the city of Oakland, a municipal corporation of the State of California, and to its successors, all of the right, title and interest of the State of California held by said state by virtue of its sovereignty in and to all lands tidelands and submerged lands, whether filled or unfilled, in the present city of Oakland, consisting of three parcels hereinafter described, to wit:

Parcel 1. A piece of land bounded on the north by the line of ordinary low tide of May 4, 1852; on the south by the southern boundary of said city of Oakland; on the west by the projection southerly of the center line of Adeline street as the same now exists; and on the east by the projection southerly of the eastern line of Washington street as the same now exists.

Parcel 2. A piece of land bounded on the north by the southern line of property now owned by said city of Oakland; on the south by the southern boundary of said city of Oakland; on the west by the projection southerly of the center line of Franklin street as the same now exists; and on the

east by the projection southerly of the easterly line of Webster street as the same now exists.

Parcel 3. A piece of land bounded on the north by the present termination of Broadway street, on the south by the southern boundary line of said city of Oakland, on the west by the projection southerly of the western line of Broadway, as the same now exists, and on the east by the projection southerly of the easterly line of said Broadway street, as the same now exists.

to be forever held by said city, and its successors, in trust for the uses and purposes and upon the express conditions following, to wit:

(a) That said lands shall be used by said city, and its successors, only for the establishment, improvement and conduct of a harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other utilities, structures and appliances necessary or convenient for the promotion and accommodation of commerce and navigation, and said city, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; *provided*, that said city, or its successors, may grant franchises thereon for limited periods (but in no event exceeding fifty years), for wharves and other public uses and purposes and may lease said lands, or any part thereof, for limited periods (but in no event exceeding fifty years), for purposes consistent with the trusts upon which said lands are held by the State of California, and with the requirements of commerce or navigation at said harbor.

(b) That said harbor shall be improved by said city without expense to the state, and shall always remain a public harbor for all purposes of commerce and navigation, and the State of California shall have at all times, the right to use, without charge, all wharves, docks, piers, slips, quays, and other improvements constructed on said lands, or any part thereof, for any vessel or other water craft, or railroad, owned or operated by the State of California.

(c) That in the management, conduct or operation of said harbor, or of any of the utilities, structures or appliances mentioned in paragraph (a), no discrimination in rates, tolls, or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said city or its successors.

(d) There is hereby reserved, however, in the people of the State of California the absolute right to fish in the waters of said harbor with the right of convenient access to said waters over said land for said purpose.

CHAPTER 175.

An act to amend section one hundred and twenty-five of the Political Code, relating to the division of the state into equalization districts and defining and establishing such districts and to repeal all acts in conflict with this act.

[Approved May 18, 1923.]

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

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

Equalization
districts,
division of
state into.

125. The state is hereby divided into four equalization districts designated and constituted as follows:

1. The counties of San Mateo, Santa Cruz, Santa Clara, San Benito, Monterey, San Luis Obispo, and the city and county of San Francisco shall constitute the first equalization district.

2. The counties of Alameda, Contra Costa, San Joaquin, Sacramento, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, Kern, Inyo, Mono, Mariposa, Tuolumne, Calaveras, Amador and Alpine shall constitute the second equalization district.

3. The counties of Del Norte, Siskiyou, Modoc, Lassen, Shasta, Trinity, Humboldt, Mendocino, Tehama, Plumas, Sierra, Butte, Glenn, Lake, Colusa, Sutter, Yuba, Nevada, Placer, El Dorado, Yolo, Solano, Napa, Sonoma and Marin shall constitute the third equalization district.

4. The counties of Los Angeles, Santa Barbara, Ventura, Orange, Riverside, San Diego, Imperial and San Bernardino shall constitute the fourth equalization district.

Repealed.

SEC. 2. All other acts in conflict with this act are hereby repealed.

CHAPTER 176.

An act to make instruction in the constitution of the United States compulsory in public and private schools within the State of California.

[Approved May 18, 1923.]

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

U. S. consti-
tution to be
studied in
all schools.

SECTION 1. In all public and private schools located within the State of California, commencing with the school year next ensuing after the passage of this act, there shall be given regular courses of instruction in the constitution of the United States, including the study of American institutions and ideals.

Extent
of course.

SEC. 2. Such instruction in the constitution of the United States shall begin not later than the opening of the eighth grade and shall continue in the high school course and in courses in state colleges, universities and educational

departments of state, municipal and private institutions, to an extent to be determined by the superintendent of public instruction. No pupil shall receive a certificate of graduation from any such school unless he has satisfactorily passed an examination on the provisions and principles of the United States constitution. Examination.

SEC. 3. All persons granted regular certificates authorizing them to teach in the public schools of this state, shall, in addition to existing requirements, be required to pass a satisfactory examination upon the provisions and principles of the constitution of the United States or complete a course therein in a teachers' training institution in the State of California; *provided*, that a limited certificate, not exceeding one year in term, may be granted without the passing of such examination or the completion of such course. Requisite for teachers certificate.
Exception.

SEC. 4. The wilful neglect or failure on the part of any superintendent, principal or teacher, to observe and carry out the requirements of this act, shall be sufficient cause for the dismissal or removal of such party from his or her position. Removal for non-compliance.

SEC. 5. It shall be the duty of the superintendent of public instruction to make arrangements for carrying out the provisions of this act and prescribe a list of suitable texts adapted to the needs of the school and college grades, as specified in this act. Texts.

SEC. 6. All acts or parts of acts inconsistent herewith are hereby repealed. Repealed.

CHAPTER 177.

An act to amend section nine hundred twenty-eight of the Penal Code, relating to the grand jury.

[Approved May 18, 1923.]

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

SECTION 1. Section nine hundred twenty-eight of the Penal Code is hereby amended to read as follows:

928. It shall be the duty of the grand jury annually to make a careful and complete examination of the books, records and accounts of all the officers of the county, and of every city board of education within the county, and especially those pertaining to the revenue, and report as to the facts they have found, with such recommendations as they may deem proper and fit; and if, in their judgment, the services of an expert are necessary, they shall have power to employ one, at an agreed compensation, to be first approved by the court; and if, in their judgment, the services of assistants to such expert are required, they shall have power to employ such, at a compensation to be agreed upon and approved by the court. It shall be the duty of every grand jury first impaneled in even-numbered years to investigate and report upon the needs of all county officers in its county, including increase or decrease in salaries, number of officers, deputies or employees, the abolition Grand jury to examine books.
Investigation of county offices.

or creation of offices and the equipment for, or the method or system of performing the duties of, the several offices, and it shall cause a copy of such report to be transmitted to each member of the legislature representing the county in which it has been impaneled before the commencement of the regular session of the legislature in odd-numbered years. The judge, on impanelment of the grand jury shall charge them especially as to their duties under this section; *provided*, that if any grand jury, shall, in the report above mentioned, comment upon any person or official who has not been indicted by the said grand jury the said comments shall not be deemed to be privileged.

Expenses.

Any and all expenses incurred under this section and also the per diem and mileage where allowed by law, of the grand jurors, shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the superior court in said county.

CHAPTER 178.

An act to amend section fifteen of an act entitled "An act to provide for local improvements upon streets, lanes, alleys, courts, places and sidewalks and for the construction of sewers within municipalities, such act to be known as 'the local improvement act of 1901,' which became a law without the approval of the governor on February 26, 1901, as amended.

[Approved May 18, 1923.]

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

Stats 1915,
p. 387,
amended.

SECTION 1. Section fifteen of an act entitled "An act to provide for local improvements upon streets, lanes, alleys, courts, places and sidewalks and for the construction of sewers within municipalities, such act to be known as 'The local improvement act of 1901,' which became a law without the approval of the governor on February 26, 1901, as amended," is hereby amended to read as follows:

Deed to
property not
redeemed.

Sec. 15. If the property sold as provided in the above proceedings be not redeemed within one year after the sale, the tax collector shall then issue to the party named in the original certificate, or his assignee, a deed of the property described in said certificate, which said deed shall refer, in general terms, to the proceedings under which the same is issued, and shall contain a description of the property following the description in the certificate; the grantee of such deed is, immediately upon receipt thereof, entitled to possession of the property described therein.

CHAPTER 179.

An act to amend section two thousand seventy-eight of the Political Code, relating to the national guard of the State of California.

[Approved May 18, 1923.]

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

SECTION 1. Section two thousand seventy-eight of the Political Code is hereby amended to read as follows:

2078. There shall be paid to each officer at the conclusion of each fiscal year the sum of twenty-five dollars to assist in uniforming and equipping himself; *provided*, he has served as such for the entire twelve months comprising such fiscal year, and if not, then such proportion of said sum as the time served bears to said year. In case the legislature does not appropriate sufficient money to pay the annual allowance of twenty-five dollars herein provided for, then each officer entitled to said allowance shall receive his pro rata portion of such money as may be available for such allowance.

Allowance
to officers.

CHAPTER 180.

An act to amend an act entitled "An act to extend the jurisdiction and authority of cities and towns over parks owned by them situated beyond the limits of such cities and towns, and over streets and avenues leading to the same" which became a law, under constitutional provision, without governor's approval, March 1, 1897.

[Approved May 18, 1923.]

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

SECTION 1. Section one of an act entitled "An act to extend the jurisdiction and authority of cities and towns over parks owned by them situated beyond the limits of such cities and towns, and over streets and avenues leading to the same," which became a law, under constitutional provision, without governor's approval, March 1, 1897. shall be amended to read as follows:

Stats 1897,
p. 47,
amended.

Section 1. The municipal authority of the several cities and towns in this state, which now own or shall hereafter own any parks or boulevards or playgrounds situated outside of the limits of such city or town, shall have the same power, authority, and jurisdiction over such parks or boulevards or playgrounds, and over streets and avenues leading therefrom to said parks or boulevards or playgrounds, and over persons and property therein, as they now or hereafter may have over said cities and towns and over persons and property therein; and the local courts of said cities and towns shall have the same jurisdiction, both civil and criminal, over said parks, boulevards, playgrounds, streets, and avenues and over persons

Jurisdiction
of cities
over parks
beyond
city limit.

and property therein, as they may have over the parks, boulevards, playgrounds, streets and avenues within such cities or towns respectively.

CHAPTER 181.

An act authorizing and directing the California highway commission to lay out and acquire a right of way or rights of way for a highway or highways from the county line of the city and county of San Francisco, in, to and through San Mateo county, and to construct the same at a location or locations to be selected by said commission; declaring and establishing the same as a state highway or state highways; authorizing any county or city and county to contribute money or property toward the cost of construction and maintenance of said highway or highways; authorizing the California highway commission to accept said contributed money or property and to place the same and any other unappropriated money which may come under the control of said California highway commission in the general fund of the California highway commission, which fund is hereby created.

[Approved May 18, 1923.]

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

San Francisco to San Mateo state highway.

SECTION 1. The California highway commission is hereby authorized and directed to lay out and construct a highway or highways from the county line separating the city and county of San Francisco from the county of San Mateo, in, to and through the county of San Mateo, at such location or locations as the said California highway commission may select. The said highway or highways thus laid out and constructed are hereby declared and established as a state highway or state highways.

Authority granted to highway commission.

SEC. 2. For the purpose of constructing said highway or highways, said California highway commission, in the name of the people of the State of California, may purchase, receive by donation or dedication any right of way or land necessary or proper for the construction, use and maintenance of said highway or highways, and the California highway commission, in the name of the people of the State of California, is hereby authorized to condemn under the provisions of the Code of Civil Procedure relating to such proceedings, any necessary or proper right of way or land for the construction, use and maintenance of said highway or highways. All public highways lying within the right of way of said state highway or highways, as determined and adopted by said California highway commission, shall be and the same shall become a part of the right of way of said state highway or highways, without compensation being paid therefor.

SEC. 3. Any county, or city and county, of the State of California is hereby authorized to contribute to said California highway commission money or property to defray the cost of construction or maintenance of said highway or highways, whether said highway or highways runs through any portion of said county or city and county, or not, and said California highway commission is hereby authorized to accept any moneys or property so contributed and use the same in the construction and maintenance of said highway or highways, in such manner as said California highway commission may deem proper.

Contributions to cost of construction and maintenance.

SEC. 4. Any moneys so contributed by any county, or city and county, for the construction or maintenance of said highway or highways shall be placed in the general fund of the California highway commission, which said fund is hereby created. Likewise, any other funds coming under the control of said California highway commission, which are not otherwise specially appropriated, shall, upon the direction of said California highway commission, be placed in said general fund of said California highway commission and may be drawn therefrom for such purposes as the said California highway commission may direct; *provided, however*, that said highway shall be constructed exclusively with funds so contributed and that any funds contributed to said California highway commission for any specified road shall be used only for and on the highway or highways for which said funds were specially contributed.

General fund of highway commission created.

Use of.

SEC. 5. Anything in the "motor vehicle act" approved May 10, 1915, as amended, to the contrary notwithstanding, the board of supervisors of any county, or city and county, which is empowered by law to expend money for the construction of public highways, outside of its corporate limits, may contribute to said California highway commission, towards defraying the cost of the construction or maintenance of said highway or highways, as laid out, located and constructed in the manner herein prescribed, any sum or sums of money, received by said county, or city and county from that certain fund in the state treasury known as the "motor vehicle fund" or from fines or forfeitures collected in cases of conviction for violation of any of the provisions of said "motor vehicle act".

Money received from state "motor vehicle fund" may be contributed.

CHAPTER 182.

An act confirming, ratifying and declaring valid the formation and organization of reclamation district number two thousand sixty-three, and also, all the acts and proceedings of said district.

[Approved May 18, 1923.]

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

SECTION 1. The formation and organization of reclamation district number two thousand sixty-three, in the counties of Stanislaus and Merced, State of California, by the board of

Reclamation district No. 2063 validated.

Reclamation district
No 2063
validated.

supervisors of the county of Stanislaus, State of California, the exterior boundaries of which district are as follows, to wit:

That portion of sections five (5), seven (7), eight (8), nine (9), fifteen (15), sixteen (16), seventeen (17), twenty (20), twenty-one (21) and twenty-two (22), township six (6) south, range nine (9) east, Mount Diablo base and meridian, in the counties of Stanislaus and Merced, State of California, lying easterly of the San Joaquin river, and the Ball levee and westerly of the high water line of the flood period of May and June, 1922, more particularly described as follows:

Beginning at the intersection of the east and west quarter quarter section line in the south half of section sixteen, township six south, range nine east, Mount Diablo base and meridian, with the center of a levee, thence meandering along said levee south thirteen degrees two minutes, one hundred eighty feet; thence south four degrees eleven minutes east four hundred fifteen feet; thence south fourteen degrees twenty-one minutes east one hundred feet; thence south thirty degrees forty-one minutes east one hundred ninety feet; thence south forty-seven degrees thirty-eight minutes east five hundred forty feet; thence south thirty-six degrees seven minutes east five hundred thirty-five feet; thence south sixty-two degrees thirteen minutes east three hundred ten feet; thence south seventy-three degrees thirty minutes east three hundred feet; thence north twenty-two degrees nine minutes east one hundred sixty-five feet; thence south sixty-eight degrees thirty-one minutes east three hundred ten feet; thence south twelve degrees thirty-two minutes west eighty-five feet; thence south forty-eight degrees fifty-six minutes east one thousand twenty feet; thence south fifty-five degrees three minutes east five hundred eighty-seven feet; thence south seventy degrees forty-two minutes east one hundred fifty feet; then south eighty-four degrees fifty-three minutes east one hundred nine and thirty hundredths feet to an intersection with the county line between Stanislaus and Merced counties, said county line bearing north sixty-three degrees thirty-seven minutes east; thence continuing along said levee north eighty-one degrees nineteen minutes east seven hundred fifty feet; thence north twenty-eight degrees fifty-two minutes east one hundred sixty feet; thence south seventy-nine degrees thirty-three minutes east two hundred feet; thence south eighteen degrees forty minutes east one hundred forty-five feet; thence south seventy-six degrees five minutes east one hundred sixty feet; thence south seventy-one degrees one minute east two hundred forty-five feet; thence south fifty-eight degrees six minutes east one hundred forty-five feet; thence south thirty degrees forty-three minutes east five hundred fifteen feet; thence south seventy-six degrees thirty-two minutes east two hundred fifty feet; thence south seventy-one degrees thirty-seven minutes east one hundred sixty-five feet; thence south fifty-six degrees ten minutes east two hundred seventy feet to end of levee; thence meandering along high water line north sixty degrees thirty-four minutes east one

thousand thirty-eight feet; thence north forty-eight degrees forty-two minutes west four hundred fifteen feet; thence north five degrees twenty-four minutes east two hundred forty feet; thence north twenty-six degrees sixteen minutes east three hundred feet; thence south forty-one degrees fifteen minutes east two hundred seventy feet; thence south fifty-seven degrees six minutes east three hundred ninety feet to the north and south quarter section line in section twenty-two; thence north fifty-six minutes east two hundred six and seventy hundredths feet, and along the quarter section line; thence north sixty-five degrees twenty-one minutes west one hundred ninety-seven and forty hundredths feet; thence north thirty-one degrees nineteen minutes west two hundred sixty feet; thence north seventeen degrees twenty-one minutes east seven hundred thirty-five feet; thence north nine degrees thirteen minutes west three hundred fifteen feet to the north line of section twenty-two, said point being also west one hundred sixty-seven and fifty hundredths feet from the north quarter corner of said section twenty-two; thence north eight degrees thirty-five minutes east three hundred seventy-five and sixty hundredths feet; thence north seventy-one degrees one minute east five hundred twenty-three and twenty hundredths feet; thence north twenty-one degrees two minutes west three hundred ninety-six feet; thence north fifty-seven degrees fifty-two minutes west three hundred thirty feet; thence north seventy degrees fifty-eight minutes west three hundred feet; thence north eight degrees four minutes west two hundred fifty feet; thence south seventy-six degrees fifty-four minutes east two hundred fifty feet; thence south thirty-nine degrees nineteen minutes east three hundred fifteen feet; thence north fifty-one degrees fifty-eight minutes east two hundred one and eighty hundredths feet; thence north twenty degrees thirty-two minutes west two hundred twenty feet; thence north fifty-two degrees fifty-five minutes west two hundred feet; thence north eighty-two degrees thirty-six minutes west four hundred forty-five feet; thence north forty-three degrees twenty-eight minutes west two hundred seventy feet; thence north fifty-six degrees twenty-seven minutes west four hundred ten feet; thence north forty-nine degrees four minutes west eight hundred seventy-five and fifty hundredths feet to the east and west quarter section line in section fifteen, said point being also east one thousand feet from the west quarter corner of said section fifteen; thence north twenty-nine degrees forty-six minutes west seven hundred ninety-five and forty-five hundredths feet; thence north twelve degrees fifty-three minutes east one hundred seventy feet; thence north sixty-three degrees ten minutes west one hundred sixty-five feet; thence north seventeen degrees thirty-one minutes west four hundred fifty feet; thence north forty-eight degrees forty-four minutes west four hundred thirty-five feet to the west line of section fifteen, said point being also north one thousand six hundred thirty feet from the west quarter corner of said section fifteen; thence north fifty-six

Reclamation district
No 2063
valuated.

Reclama-
tion district
No. 2063
validated.

degrees fifty-four minutes west two hundred eighty-seven feet; thence north sixty-three degrees forty-five minutes west six hundred eighty feet; thence north fifty-eight degrees three minutes west seven hundred feet; thence north thirty-two degrees forty-six minutes west two hundred feet to the north line of section sixteen, said point being also west one thousand five hundred sixty feet from the northeast corner of section sixteen; thence north twenty degrees west eight hundred twenty-two and twenty hundredths feet; thence north twenty-seven degrees twelve minutes west three hundred eighty feet; thence north forty-two degrees thirty-seven minutes west three hundred ninety feet; thence north eleven degrees twenty-five minutes west five hundred ten feet; thence north fourteen degrees twenty-five minutes east four hundred forty-five feet; thence north thirty-five degrees nineteen minutes west four hundred twenty feet to the east and west quarter section line in section nine, said point being also east one hundred sixty-three feet from the center of section nine; thence west one hundred sixty-three feet to the center of section nine; thence north one thousand three hundred seventy-eight feet and along the north and south quarter section line; thence north thirty-six degrees thirty-three minutes west two hundred five and fifty hundredths feet; thence north sixty-seven degrees six minutes west six hundred forty-five feet; thence north sixty-six degrees forty-two minutes west four hundred feet; thence south sixty-one degrees fourteen minutes west one thousand eighty-two and seventy hundredths feet; thence north fifty-eight degrees fifty-three minutes west seven hundred fifteen and twenty-five hundredths feet to the west line of section nine, said point being also south eight hundred ten feet from the northwest corner of section nine; thence north seventy-one degrees west eight hundred twenty-four and sixty hundredths feet; thence north fifty-six degrees twenty-three minutes west one thousand two hundred eighty-five feet; thence south forty-seven degrees fifty-seven minutes west two hundred thirty feet; thence north seventy degrees nineteen minutes west four hundred forty-five feet; thence north forty-five degrees thirty-one minutes west six hundred fifty feet; thence north eighty-nine degrees forty minutes west nine hundred forty-five and eighty hundredths feet to the east line of the Crows Landing road; thence south thirty-eight degrees thirty-nine minutes west four hundred feet and along said road; thence south twenty-five degrees thirty-seven minutes west five hundred fifty feet; thence south eight degrees seven minutes west six hundred eighty-five feet; thence south fifty-seven degrees seven minutes west four hundred feet to the northerly end of a levee; thence up stream and following the meanderings of said levee and the right bank of the San Joaquin river to the point of beginning, and containing one thousand seven hundred fifty-two (1752) acres, more or less, together with all of the acts and proceedings of said district, are hereby approved, confirmed, ratified, legalized, and declared valid.

CHAPTER 183.

An act relating to certain funds in the custody or control of the superintendents of state hospitals and providing for the allotment and apportionment thereof.

[Approved May 21, 1923.]

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

SECTION 1. The superintendents of state hospitals are hereby authorized and empowered to expend for the benefit of the patients at the hospitals such sums as may have heretofore accumulated or may hereafter accumulate as interest on patients' personal funds in the custody of the superintendents and deposited in savings banks.

Superintendents of state hospitals may expend certain funds.

CHAPTER 184.

An act to appropriate money in the state treasury collected under an act entitled "An act concerning the registration, numbering, and use of aircraft, and the licensing of operators thereof," approved June 3, 1921.

[Approved May 21, 1923.]

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

SECTION 1. The sum of two hundred dollars and thirty-five cents is hereby appropriated out of any money in the state treasury, collected under the provisions of an act entitled, "An act concerning the registration, numbering, and use of aircraft, and licensing of operators thereof," approved June 3, 1921, to the "motor vehicle fund."

Certain money transferred to motor vehicle fund.

CHAPTER 185.

An act to appropriate money now remaining in the "operators' license fund" to the "motor vehicle fund."

[Approved May 21, 1923.]

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

SECTION 1. There is hereby appropriated out of the operators' license fund in the state treasury the sum of thirty thousand six hundred fifty-nine dollars and thirty cents, to be transferred and credited to the "motor vehicle fund."

Certain money transferred to motor vehicle fund.

CHAPTER 186.

An act to amend section three hundred sixty b of the Political Code, relating to department of finance.

[Approved May 22, 1923.]

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

SECTION 1. Section three hundred sixty b of the Political Code is hereby amended to read as follows:

Chiefs of divisions.

360b. The divisions of claims and disbursements, of budgets and accounts, and of purchases and custody, shall each be in charge of a chief to be known respectively as chief of the division of claims and disbursements, chief of the division of budgets and accounts, and chief of the division of purchases and custody.

The chief of the division of printing shall receive an annual salary of five thousand dollars, and before entering upon the duties of his office he shall execute an official bond to the State of California in the penal sum of twenty-five thousand dollars; the chief of the division of motor vehicles shall receive an annual salary of four thousand eight hundred dollars, and before entering upon the duties of his office he shall execute an official bond to the State of California in the penal sum of twenty-five thousand dollars; the chief of the division of libraries, who shall be known as "state librarian," shall be a technically trained librarian and shall receive an annual salary of five thousand dollars, and before entering upon the duties of his office he shall execute an official bond to the State of California in the penal sum of three thousand dollars.

CHAPTER 187.

An act to authorize the state board of control to convey and exchange certain lands formerly owned and used by the Woman's Relief Corps Home of California, in Evergreen, county of Santa Clara, and to receive in exchange therefor certain lands adjoining the present site of the Woman's Relief Corps Home of California in Santa Clara county.

[Approved May 23, 1923.]

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

Transfer of certain state lands authorized.

SECTION 1. The state board of control is hereby authorized on behalf of the State of California, to convey and exchange the following described real property, situate in the county of Santa Clara, State of California, to wit: Lots thirty-seven (37) and thirty-eight (38) in Cadwalladers survey of the village of Evergreen, as surveyed by Herman Brothers, March, 1887, and recorded in book "B" of maps, page 56 et seq. Santa Clara county records, on March 24, 1887, which said tract contains five and thirty one-hundredths (5.30) acres, more or less,

which said property was formerly owned and used by the Woman's Relief Corps Home of California.

SEC. 2. The state board of control is hereby authorized to accept and receive in exchange for the lands described in section one of this act, the following described real property, situated in the county of Santa Clara, State of California, to wit: Beginning at a point two hundred fifty-two and six-tenths (252.6) feet south of the center of the northeast quarter of section fifteen, township seven south, range one west; thence southerly three hundred forty-one and four-tenths (341.4) feet; thence east three hundred eighty-two and eight-tenths (382.8) feet; thence north three hundred forty-one and four-tenths (341.4) feet; thence west three hundred eighty-two and eight-tenths (382.8) feet to the point of beginning, and containing three acres more or less.

Acceptance
of certain
lands by
state
authorized.

CHAPTER 188.

An act to create the office of state fire marshal, to provide for his powers and duties, and to repeal all acts or parts of acts inconsistent herewith.

[Approved May 23, 1923.]

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

SECTION 1. Within thirty days after this act takes effect, the governor shall appoint a qualified person who shall be known as the "state fire marshal," which office is hereby created. The person so appointed shall hold office at the pleasure of the governor and shall receive no compensation therefor.

State fire
marshal to
be appointed.

SEC. 2. It shall be the duty of the fire marshal to safeguard life and property from fire and to see that all laws and ordinances relating to fires and fire protection are enforced, to attend, if possible, fires other than forest, brush or grain fires which may occur outside of the limits of any incorporated city within the state, and to take charge of and protect all property which may be imperiled thereby.

Duties of
state fire
marshal.

SEC. 3. The fire marshal may during the time of any fire protect property being affected thereby until the arrival of the owner or claimant of thereof, and in case the owner or claimant of such property does not take charge of same within twenty-four hours, the fire marshal may have such property stored at the owner's or claimant's expense.

Protection
of property.

SEC. 4. In all cases where there is reason to believe that fires are the result of crime or that crime has been committed in connection therewith the fire marshal must report the same, in writing, to the district attorney of the county in which the fire occurred.

Report of
incendiary
fires to
district
attorneys.

SEC. 5. The fire marshal shall have power to appoint as his deputies only the chiefs of fire departments, who shall

Deputies.

serve without compensation, and the fire marshal and his deputies shall exercise the functions of a police officer.

Repealed.

SEC. 6. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

CHAPTER 189.

An act appropriating money to pay the claim of Harold E. Smith against the State of California.

[Approved May 23, 1923.]

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

Appropriation: claim of Harold E. Smith.

SECTION 1. The sum of sixty-four thousand two hundred twenty-two dollars and sixty-four cents is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of Harold E. Smith against the State of California.

CHAPTER 190.

An act to add a new section to the Political Code, to be numbered one thousand six hundred seven a, relating to the publication of annual reports and courses of study by city boards of education.

[Approved May 23, 1923.]

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

SECTION 1. A new section to be numbered one thousand six hundred seven a is hereby added to the Political Code to read as follows:

Annual financial statement.

1607a. *First*—On or before the first day of August of each year, each city board of education shall prepare and keep on file for public inspection a report of the financial transactions of such board during the preceding fiscal year. Such report shall include a statement of all receipts and expenditures of such district, and shall be itemized according to the form of budget prescribed for the school districts of this state by the superintendent of public instruction. The budget of such board of education for the then current fiscal year, submitted as prescribed in section one thousand six hundred twelve a of the Political Code, must be a part of such report.

Courses of study.

Second—It shall be the duty of each city board of education to prepare annually and keep on file for public inspection the courses of study prescribed for the kindergarten, elementary and high schools of the city school district under their jurisdiction.

CHAPTER 191.

An act to provide for the formation, management, and dissolution of county fire protection districts, and annexations thereto, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expenses thereof.

[Approved May 23, 1923.]

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

SECTION 1. Any portion of a county composed of unincorporated territory and not included in any other fire protection district or timber land patrolled by the state board of forestry, or in accordance with the rules and regulations of said state board of forestry, may be formed into a county fire protection district in the manner and under the proceedings hereinafter set forth.

County fire protection districts authorized.

SEC. 2. The board of supervisors of any county of the state may determine that a portion of the unincorporated territory of the county not already included in a county fire protection district is in need of fire protection and should be formed into a fire protection district. Thereupon said board of supervisors shall fix a time and place for a hearing of the matter of the formation of such county fire protection district and shall direct the clerk of said board to publish a notice once a week for two successive weeks in the newspaper circulated in the territory which it is proposed to organize into a fire protection district which said board deems most likely to give notice to the inhabitants thereof of the proposed formation of such district. Said notice shall be headed "Notice of the proposed formation of ----- county fire protection district in ----- county (stating the name of the proposed district and the name of the county in which the proposed district is located)" and it shall state the fact that the board of supervisors of said county has fixed the time and place (which shall be stated in said notice) for a hearing on the matter of the formation of a county fire protection district. Said notice shall describe the territory or shall specify the exterior boundaries of the territory proposed to be organized into a fire protection district, which said boundaries, so far as practicable, shall be the center lines of highways.

Proposal to form district.

Notice of hearing.

SEC. 3. At any time prior to the time fixed for the hearing of said matter any person interested may file with the clerk of the board written objections to the formation of the district. At the time and place fixed for the hearing, or at any time to which said hearing may be continued, the board of supervisors shall consider all written objections filed and shall pass upon the same. If the board overrules said objections it shall hear any person having objection to the inclusion within said proposed district of any territory and may exclude any territory therefrom which would not be benefited by incorporation within the district. At the conclusion of the hearing the board of supervisors may abandon the proposed

Written objections.

Hearing.

Decision of board.

establishment of a fire district or may decide to establish a county fire protection district. If it decides to establish a county fire protection district it shall adopt a resolution so declaring, which resolution shall set forth the name of the district and shall either describe the territory comprising the district or set forth its boundaries.

Election
when written
objections
filed.

SEC. 4. If no written objections have been made, upon the adoption of said resolution by said board of supervisors said county fire protection district shall be deemed established and organized under the provisions of this act. If written objections have been made then the board shall submit to a vote of the qualified electors of such proposed district the ratification of the resolution of said board declaring such district established. Said election shall be called by resolution in which the board shall set forth the date of said election, which shall be at least twenty days after the adoption of such resolution shall designate one or more precincts within the boundaries of said proposed district, shall designate a polling place in each precinct and the names of the election officers, who shall be one inspector, one judge and one clerk for each precinct. In all other particulars not recited in said resolution such election shall be held as provided by law for holding general elections in such county, except that no notice of such election other than the publication of such resolution need be given. The resolution ordering the holding of such election shall, prior to the date thereof, be published once a week for two successive weeks in the newspaper of general circulation in said proposed district deemed by said board to be the most likely to give notice to the electors thereof of such proposed election. Such notice of election shall contain a description of the district declared by the board of supervisors to be a county fire protection district. The ballots used at such election need not contain a description of such district but shall contain in substance the proposition as follows: "Shall the resolution of the board of supervisors of the----- day of ----- 19---, that the ----- county fire protection district be established, be ratified," and opposite said proposal shall be printed the words "Yes" and "No," together with voting squares. If at such election a majority of the votes cast ratify the declaration of said board, then the board of supervisors shall enter a finding to that effect upon its minutes and thereafter said district shall be deemed to be established and organized as a county fire protection district.

Notice.

Conduct
of election.

Supervisors
to govern.

Powers of
board.

SEC. 5. The board of supervisors of any county wherein any county fire protection district is established shall be the governing body thereof and shall have power to make and enforce all rules and regulations necessary for the administration and government of such district and for the furnishing of fire protection thereto; to appoint agents and employees for such district sufficient to maintain and operate the property acquired for the purposes of the district and to police the district; to acquire real or personal property needful for the purposes of said district and to dispose of the

same when no longer needed; to construct any needed structures; and to perform all other acts necessary or proper to accomplish the purposes of this act. Such board shall have authority to purchase fire hydrants and connect them with the mains of a water distributing company upon terms mutually agreed upon.

SEC. 6. The title to all property which may have been acquired for a county fire protection district, created under the provisions of this act, shall be vested in the county wherein such county fire protection district is located. Whenever all of the territory in such county fire protection district shall be annexed to, or otherwise included within, any municipal corporation, then such county fire protection district shall be deemed dissolved and such property shall thereupon become the property of such municipal corporation. All money in the county treasury to the credit of any fund of such county fire protection district shall, upon the annexation or inclusion of such territory, as above noted, be forthwith transferred to the treasury of said municipal corporation and be used for the purposes for which the same was available prior to such transfer and none other.

Title to
property.

Disposition
upon annexation
to city.

SEC. 7. The board of supervisors shall levy a tax each year upon the taxable real property in each county fire protection district sufficient to defray the cost of maintenance thereof and to meet such other expenditures as are authorized by this act in connection therewith. Such tax shall be levied and collected at the same time and in the same manner as general county taxes levied for county purposes and when collected shall be paid into the county treasury and shall be used in furtherance of the purposes of this act with respect to the district within which collected and for no other purpose.

Annual
tax levy.

SEC. 8. Any such county fire protection district may be dissolved by the board of supervisors as in this section provided. Upon receiving a petition signed by fifty or more freeholders and residents of such district, or by a majority of such freeholders and residents if there are less than one hundred freeholders and residents in such district, requesting the dissolution of such district, the board of supervisors shall fix a time for the hearing of such petition, which shall not be less than ten days nor more than thirty days after the receipt thereof, and shall at least a week prior to the time so fixed publish a notice of such hearing by one insertion in a newspaper circulated in said district. At the time appointed for said hearing, or at any time to which the same may be continued, the board of supervisors shall hear and pass upon such petition and may grant or deny the same, and its decision thereon shall be final and conclusive. If such petition shall be granted the board of supervisors shall by resolution order the dissolution of such district and such district shall thereupon be dissolved and the property of such district shall remain the property of the county in which such district is located and any money remaining in the fund of such district shall be expended in the maintenance and repair of the highways of

Dissolution
of district.

Disposition
of property
and funds.

such district, whether such highways, at the time of dissolution, are in incorporated territory or in unincorporated territory.

Proposal
to annex
territory.

Notice.

SEC. 9. At any time after the establishment of a county fire protection district under the provisions of this act, the board of supervisors may determine that territory should be annexed to such district. Thereupon said board shall fix a time and place for the hearing of the matter of the annexation of said territory and shall direct its clerk to publish a notice once a week for two successive weeks in a newspaper circulated in the territory which it is proposed to annex which said board deems most likely to give notice to the inhabitants of such territory. Such notice shall be headed "Notice of the Proposed Annexation of Territory to the-----
-----County Fire Protection District in-----
County," stating the name of the district and county to which it is proposed to annex territory and shall contain a statement of the time and place fixed by the board for a hearing on the matter of the formation of a county fire protection district. Said notice shall designate the territory proposed to be annexed.

Hearing.

Decision
of board.

SEC. 10. At the time and place fixed by the board of supervisors for the hearing of said matter of annexation, or at any time to which said hearing may be continued, the board shall hear any person objecting to said annexation or objecting to the annexation of any portion of said territory. At the conclusion of said hearing said board of supervisors may refuse to annex any territory to the established district or it may include all or a portion of the territory proposed to be annexed. If it determines to annex to said district any territory it shall so declare by resolution and thereupon said territory shall be annexed to said district for all purposes of this act.

Construction.

SEC. 11. The provisions of this act shall be liberally construed to effect the purposes thereof.

CHAPTER 192.

An act to add a new section to the Penal Code, to be numbered section four hundred ninety-six b, making second hand dealers liable for receiving stolen books.

[Approved May 23, 1923.]

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

SECTION 1. A new section is hereby added to the Penal Code to be known as section four hundred ninety-six b, and to read as follows:

Buying or
receiving
stolen books.

496b. Every person who, being a dealer in or collector of second-hand books or other literary material, or the agent, employee or representative of such dealer, or collector, buys or receives any book, manuscript, map, chart, or other work of

literature, belonging to, and bearing any mark or indicia of ownership by a public or incorporated library, college or university, without ascertaining by diligent inquiry that the person selling or delivering the same has a legal right to do so, is guilty of criminally receiving such property in the first degree if such property be of the value of more than fifty dollars, and is punishable by imprisonment in the county jail for not more than one year, or by a fine of not more than twice the value of the property received, or by both such fine and imprisonment; and is guilty of criminally receiving such property in the second degree if such property be of the value of fifty dollars or under, and is punishable by imprisonment in the county jail for not more than one month, or by a fine of not more than twice the value of the property received, or by both such fine and imprisonment.

CHAPTER 193.

An act making an appropriation to defray the expense of legislative printing for the forty-fifth session of the legislature of the State of California.

[Approved May 23, 1923.]

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

SECTION 1. The sum of ninety-five thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to defray the expense of legislative printing for the forty-fifth session of the legislature. Appropriation legislative printing.

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state, shall, under the provisions of section one of article four of the constitution, take effect immediately.

CHAPTER 194.

An act to add two new sections to the Penal Code to be numbered one thousand two hundred eighty a and one thousand two hundred eighty b, relating to justification of bail.

[Approved May 24, 1923.]

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

SECTION 1. A new section is hereby added to the Penal Code to be numbered one thousand two hundred eighty a, and to read as follows:

1280a. All such affidavits for the justification of bail shall set forth the legal description of the real estate owned by the bail, which is scheduled as showing that they each possess the qualifications provided in the preceding sections, said affidavits shall also show all encumbrances upon such real estate known to affiants and shall show the number affidavits, what to set forth.

of bonds, if any, on which said bail has qualified, within one year before the date of the affidavit.

SEC. 2. A new section is hereby added to the Penal Code to be numbered one thousand two hundred eighty b, and to read as follows:

Affidavits
to be filed
with county
clerk.

1280b. It shall be the duty of the judge or magistrate to file with the county clerk, within twenty-four hours after presentation to him, all such affidavits for the justification of bail, in all proceedings, by delivering or mailing the same to the county clerk. The county clerk must keep a list of all persons whose affidavits have been so filed with him which must show the number of times within one year that such bail has previously executed affidavits for bail.

CHAPTER 195.

An act to amend sections two hundred four and two hundred six of the Code of Civil Procedure, relating to jury lists.

[Approved May 24, 1923.]

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

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

Jury lists.
by whom
and when to
be made.

204. In the month of January in each year it shall be the duty of the superior court in each of the counties of this state to make an order designating the estimated number of grand jurors and also the number of trial jurors, that will, in the opinion of said court, be required for the transaction of the business of the court, and the trial of causes therein, during the ensuing year; and immediately after said order designating the estimated number of grand jurors shall be made, the court shall select and list the grand jurors required by said order to serve as grand jurors in said superior court during the ensuing year, or until new lists of jurors shall be provided, and said selections and listings shall be made of men and women suitable and competent to serve as jurors, as set forth and required in sections two hundred five and two hundred six of this code, which list of persons so selected shall at once be placed in the possession of the county clerk; and immediately after said order designating the estimated number of trial jurors shall be made, the board of supervisors shall select, as provided in sections two hundred five and two hundred six of this code, a list of men and women to serve as trial jurors in the superior court of said county during the ensuing year, or until a new list of jurors shall be provided.

In counties and cities and counties having a population of ninety thousand inhabitants or over, such selection shall be made by a majority of the judges of the superior court; *provided, further*, that in counties of the first class, where a session or sessions of the superior court are held in cities other than the county seat, it shall be the duty of the judge presiding in

each such respective session, to make an order in the manner and within the time above specified, designating the estimated number of trial jurors that will, in his opinion, be required for the transaction of the business of said session of said court and the trial of causes therein during the ensuing year, or until new lists of jurors shall be provided, and it shall also be the duty of said judge to make such selections and listings of men and women suitable and competent to serve as jurors from men and women residing within the township within which said city is located.

Sec. 2. Section two hundred six of the Code of Civil Procedure is hereby amended to read as follows:

206. The lists of jurors, to be made in counties of the first class, shall contain the number of persons which shall have been designated by the court in its order. The names for such lists shall be selected from the different wards or townships of the respective counties in proportion to the number of inhabitants therein, as nearly as the same can be estimated by the persons making said lists; and said lists shall be kept separate and distinct one from the other; *provided, further*, that in counties of the first class, where sessions of the superior court are held in cities therein, other than the county seat, the names for such lists to serve in said city shall all be selected from the townships in which said city is located; and *provided, further*, that no names from said township shall be selected to serve as trial jurors for any other part of the county.

Number of persons.

Where selected from.

CHAPTER 196.

An act recognizing and declaring valid the Lakeland irrigation district, and approving and declaring valid all proceedings on formation and organization of said district.

[Approved May 24, 1923.]

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

SECTION 1. Lakeland irrigation district as formed by the board of supervisors of the county of Kings, State of California, and as now existing, is hereby recognized and declared valid, and all proceedings on formation and organization are hereby ratified, approved and declared valid.

Lakeland irrigation district validated.

CHAPTER 197.

An act to amend section eighteen of the "workmen's compensation, insurance and safety act of 1917," approved May 23, 1917, as amended by permitting injured employee to attach property of employer where the employer has failed to secure the payment of compensation.

[Approved May 24, 1923.]

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

SECTION 1. Section eighteen of the "workmen's compensation, insurance and safety act of 1917," as amended, is hereby amended to read as follows:

Defendant's
answer.

Sec. 18. (a) If any defendant desires to disclaim any interest in the subject-matter of the claim in controversy, or considers that the application is in any respect inaccurate or incomplete, or desires to bring any fact, paper or document to the attention of the commission as a defense to the claim, or otherwise, he may, within five days after the service of the application upon him, file with or mail to the commission his answer setting forth the particulars in which the application is inaccurate or incomplete, and the facts upon which he intends to rely. A copy of such answer must be forthwith served upon all adverse parties. Evidence upon matters not pleaded by answer shall be allowed only upon such terms and conditions as may be imposed by the commission or commissioner or referee holding the hearing.

Application
for relief.

(b) If the defendant fails to appear or answer, no default shall be taken against him, but the commission shall proceed to the hearing of the matter upon such terms and conditions as it may deem proper. Such defendant failing to appear or answer, or subsequently contending that no service was made upon him, or claiming to be aggrieved in any other manner by want of notice of the pendency of the proceedings, may apply to the commission for relief substantially in accordance with the provisions of section four hundred seventy-three of the Code of Civil Procedure, and the commission is hereby authorized to afford such relief. No right to relief, including the claim that the findings and award of the commission or judgment entered thereon are void upon their face, shall accrue to such defendant in any court unless prior application shall have been made to the commission in accordance with this subsection, and in no event shall any application to any court be allowed except as prescribed in sections sixty-seven and sixty-eight of this act.

Dismissal of
application.

(c) If upon the filing of an application, such application shows upon its face that the applicant is not entitled to compensation, the commission may, upon its own motion or upon the motion of the adverse party, and after opportunity to the applicant to be heard orally or in writing, and upon good cause appearing therefor, dismiss the application prior to any hearing thereon. The pendency of such motion or notice of intended dismissal shall not, unless otherwise ordered by the

commission, delay the hearing upon the application upon its merits.

(d) Upon the filing of an application by or on behalf of an injured employce or his dependents or any other party in interest, the commission may, in its discretion, in the cases mentioned in section four hundred twelve of the Code of Civil Procedure (or in any case where the employer has failed to secure the payment of compensation as required by section 29 of the workmen's compensation, insurance and safety act of 1917, as amended by chapter four hundred seventy-one of the laws of 1919), direct the county clerk of any county or city and county to issue writs of attachment authorizing the sheriff to attach the property of the defendant in an amount not to exceed the greatest probable award against him in such matter, to be fixed by the commission, as security for the payment of any compensation which may thereafter be awarded. The provision of part two, title seven, chapter four, of the Code of Civil Procedure of this state, as far as applicable to proceedings before the commission, shall govern the proceedings upon attachment, and the commission shall be substituted for the superior court in said provisions for the purpose of this act. No writ of attachment shall be issued except upon the order of the commission or a commissioner, and such order shall not be made where it appears from the application or affidavit in support thereof that the employer was, at the time of the injury to the employee, insured against liability imposed by this act in any insurance carrier licensed to do business in the State of California. If it should at any time after the levying of an attachment be made to appear that such employer was so insured, and the requisites for dismissing said employer from the proceeding and substituting the insurance carrier as defendant under any of the methods prescribed under section thirty (e) of this act be established, the commission must forthwith discharge the attachment. In levying such attachment, preference must be given to the real property of the employer.

Attachment of defendant's property.

CHAPTER 198.

An act to add a new section to the Political Code, to be numbered three thousand eight hundred five c, providing for the cancellation of assessments on certain lands of the state.

[Approved May 24, 1923.]

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

SECTION 1. A new section is hereby added to the Political Code, to be numbered three thousand eight hundred five c, and to read as follows:

3805c. Upon application by the surveyor general, accompanied by his certificate that no valid patent has ever been issued for the land described in said application, and that said land is public land of the state, the board of supervisors of the county in which said land is situated shall make an order

Cancellation of assessments on state lands.

directing the auditor to cancel all assessments for state, county or district taxes that may have been levied upon said land, and after the making of such order all such assessments shall be null and void, and the taxes levied pursuant thereto shall not constitute liens upon said land: *provided, however*, that in case said land has been sold to the state for non-payment of delinquent taxes, and a deed therefor executed to the state as grantee by the tax collector, the cancellation of assessment above provided for shall not be construed to invalidate or impair the validity of said tax deed to the state.

The provisions of this act shall apply also to all public lands sold by the state at public auction, which at the time of said public auction were encumbered with a lien for taxes.

Exceptions.

The provisions of this act shall not apply to lands acquired by the state on a sale for delinquent taxes, when the deed of the same is required to be filed with the controller, nor to swamp and overflowed lands.

CHAPTER 199.

An act recognizing and declaring valid the Tracy-Clover irrigation district and approving and declaring valid all proceedings on formation and organization of said district.

[Approved May 24, 1923.]

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

Tracy-Clover
irrigation
district
validated

SECTION 1. The Tracy-Clover irrigation district, in the county of San Joaquin, State of California, as formed and organized by the board of supervisors of said county, and as now existing is hereby recognized and declared valid and all proceedings on formation and organization of said district are hereby approved and declared valid.

CHAPTER 200.

An act to repeal section twenty-eight of an act entitled "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the state, for the construction of sewers, septic tanks, and other sanitary disposal of sewerage matter; the acquisition of property thereby, the calling and conducting of elections in such districts; the assessment, levying, collection, custody, and disbursement of taxes therein; the issuance, disposal and retirement of the bonds thereof, and the determination of their validity and making provision for the payment of such bonds, and

the disposal of their proceeds," approved May 25, 1919, as amended.

[Approved May 24, 1923.]

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

SECTION 1. Section twenty-eight of an act entitled "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the state, for the construction of sewers, septic tanks, and other sanitary disposal of sewerage matter; the acquisition of property thereby, the calling and conducting of elections in such districts; the assessment, levying, collection, custody, and disbursement of taxes therein; the issuance, disposal and retirement of the bonds thereof, and the determination of their validity and making provision for the payment of such bonds, and the disposal of their proceeds," approved May 25, 1919, as amended, is hereby repealed.

Stats. 1919,
p. 342,
repealed.

CHAPTER 201.

An act to add a new section to the Penal Code, to be numbered one thousand five hundred ninety-nine a, relating to property taken from persons detained in city, county, or city and county jails.

[Approved May 24, 1923.]

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

SECTION 1. A new section is hereby added to the Penal Code, to be numbered one thousand five hundred ninety-nine a, and to read as follows:

1599a. Whenever any weapon or other personal property is taken from an arrested person, it shall be the duty of the desk clerk or other proper officer of any city, county or city and county jail, to which such person is committed for detention, to give a receipt to such person without delay for the property taken.

Receipts
for property
taken from
persons
arrested.

CHAPTER 202.

An act making an appropriation to pay the claim of Jeff. McElvaine against the State of California.

[Approved May 24, 1923.]

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

SECTION 1. Out of any moneys in the state treasury not otherwise appropriated, the sum of one thousand seven hundred thirty-six and ninety-two one-hundredths dollars is hereby appropriated to pay the claim of Jeff. McElvaine against the State of California.

Appropriation claim of Jeff. McElvaine.

CHAPTER 203.

An act appropriating money to pay the claim of R. E. Collins against the State of California.

[Approved May 24, 1923.]

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

Appropriation: claim of R. E. Collins.

SECTION 1. The sum of three thousand five hundred twenty-six dollars and sixty cents is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of R. E. Collins against the State of California.

CHAPTER 204.

An act appropriating money to pay the claim of John C. Corbett against the State of California.

[Approved May 24, 1923.]

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

Appropriation: claim of John C. Corbett.

SECTION 1. The sum of one thousand two hundred seventy-five dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of John C. Corbett against the State of California.

CHAPTER 205.

An act appropriating money to pay the claim of John Mitchell against the State of California.

[Approved May 24, 1923.]

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

Appropriation: claim of John Mitchell.

SECTION 1. The sum of one thousand nine hundred twenty-nine dollars and twenty-five cents is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of John Mitchell against the State of California.

CHAPTER 206.

An act to provide for the transportation of certain dependent children for whom proper homes are offered outside the state and making an appropriation therefor.

[Approved May 24, 1923.]

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

Appropriation: transportation of orphans, etc.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of three thousand dollars, or so much thereof as may be necessary, to be used by the board of control during the seventy-

fifth and seventy-sixth fiscal years for the purpose of transporting to proper homes without the state, when such homes are offered, minor orphans, half orphans, abandoned children, or children of a father who is incapacitated for gainful work by permanent physical disability or who is suffering from tuberculosis in such a stage that he can not pursue a gainful occupation; *provided*, that the county from which the children are removed shall pay one-half of the total expense necessarily incurred by the state in effecting such transportation.

CHAPTER 207.

An act appropriating money to pay the claim of R. R. Veale against the State of California.

[Approved May 24, 1923.]

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

SECTION 1. The sum of four hundred sixty-one dollars and seventy-four cents is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of R. R. Veale, against the State of California.

Appropriation: claim of R. R. Veale.

CHAPTER 208.

An act making an appropriation to pay the claim of William Kent against the State of California.

[Approved May 24, 1923.]

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

SECTION 1. The sum of three thousand dollars is hereby appropriated out of any money in the state treasury to the credit of the motor vehicle fund to pay the claim of William Kent against the State of California.

Appropriation: claim of William Kent.

CHAPTER 209.

An act making an appropriation to pay the claim of Joseph M. Raines as executor against the State of California.

[Approved May 24, 1923.]

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

SECTION 1. The sum of twelve thousand eight hundred thirty-nine and fifty-nine one-hundredths dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of Joseph M. Raines as executor against the State of California.

Appropriation: claim of Joseph M. Raines.

CHAPTER 210.

An act making an appropriation to pay the claim of Frank H. Buck and Leonard W. Buck against the State of California.

[Approved May 24 1923.]

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

Appropriation: claim of Frank H. Buck and Leonard W. Buck.

SECTION 1. There is hereby appropriated the sum of one thousand four hundred forty-six and seventy-two one-hundredths dollars, out of any money in the state treasury not otherwise appropriated, to pay the claim of Frank H. Buck and Leonard W. Buck against the State of California.

CHAPTER 211.

An act making an appropriation to pay the claim of Ruel D. Robbins, Mary Emma Robbins Sutton, John L. M. Robbins, Marie Robbins Hilbert, William C. Robbins and Irving W. Robbins, heirs of E. D. Robbins.

[Approved May 24, 1923.]

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

Appropriation: claim of heirs of R. D. Robbins.

SECTION 1. There is hereby appropriated the sum of three thousand five hundred seventy-nine and thirty-six one-hundredths dollars, out of any money in the state treasury not otherwise appropriated, to pay the claim of Ruel D. Robbins, Mary Emma Robbins Sutton, John L. M. Robbins, Marie Robbins Hilbert, William C. Robbins and Irving W. Robbins, heirs of R. D. Robbins, against the State of California.

CHAPTER 212.

An act making an appropriation to pay the claim of Mary Ella Cecil against the State of California.

[Approved May 24, 1923.]

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

Appropriation: claim of Mary Ella Cecil.

SECTION 1. The sum of one thousand one hundred sixty-five and four one-hundredths dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of Mary Ella Cecil against the State of California.

CHAPTER 213.

An act appropriating money to pay the claim of J. C. Tario, Jr., against the State of California.

[Approved May 24, 1923.]

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

SECTION 1. The sum of two hundred one dollars and thirty cents is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of J. C. Tario, Jr., against the State of California.

Appropriation: claim of J. C. Tario, Jr.

CHAPTER 214.

An act appropriating money to pay the claim of Williard H. Stimson and Son.

[Approved May 25, 1923.]

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

SECTION 1. The sum of four thousand six hundred ninety-five dollars and thirty-four cents is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of Williard H. Stimson and Son against the State of California.

Appropriation: claim of Williard H. Stimson and Son.

CHAPTER 215.

An act making an appropriation to pay the claim of Geo. A. Hart and Dwight H. Hart, doing business under the firm name of Hart Brothers, a copartnership, against the State of California.

[Approved May 25, 1923.]

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

SECTION 1. The sum of three hundred ninety-four dollars and ninety-two cents is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of Geo. A. Hart and Dwight H. Hart, doing business under the firm name of Hart Brothers, a copartnership, against the State of California.

Appropriation: claim of Hart Brothers.

CHAPTER 216.

An act making an appropriation to pay the claim of Walter P. Story against the State of California.

[Approved May 25, 1923.]

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

Appropriation: claim of Walter P. Story.

SECTION 1. The sum of three thousand six hundred fifty-one dollars and six cents is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of Walter P. Story against the State of California.

CHAPTER 217.

An act appropriating money to pay the claim of C. E. Bradbury against the State of California.

[Approved May 25, 1923.]

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

Appropriation: claim of C. E. Bradbury.

SECTION 1. The sum of five thousand dollars and forty-five cents is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of C. E. Bradbury against the State of California.

CHAPTER 218.

An act making an appropriation to pay the claim of the B. F. Coulter Association, a corporation, against the State of California.

[Approved May 25, 1923.]

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

Appropriation: claim of the B. F. Coulter Association.

SECTION 1. The sum of one thousand eight hundred eighty dollars and ninety-four cents is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of the B. F. Coulter Association, a corporation, against the State of California.

CHAPTER 219.

An act appropriating money to pay the claim of T. Ashton Fry and Fannie S. Fry, against the State of California.

[Approved May 25, 1923.]

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

Appropriation: claim of T. A. Fry and F. S. Fry.

SECTION 1. The sum of one thousand fifteen dollars and eighty-four cents is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of T. Ashton Fry and Fannie S. Fry, against the State of California.

CHAPTER 220.

An act appropriating money to pay the claim of the Auditorium Company, a corporation, against the State of California.

[Approved May 25, 1923.]

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

SECTION 1. The sum of two thousand seventy-seven dollars and ninety-six cents is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of the Auditorium Company, a corporation, against the State of California.

Appropriation: claim of Auditorium Co.

CHAPTER 221.

An act appropriating money to pay the claim of Park-Union Foreign Banking Corporation.

[Approved May 25, 1923.]

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

SECTION 1. The sum of five hundred and fifty dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of Park-Union Foreign Banking Corporation for erroneously collected license tax of two hundred dollars for the year 1920 and three hundred fifty dollars for the year 1921. The state controller is hereby directed to draw his warrant in favor of Park-Union Foreign Banking Corporation for said sum of five hundred fifty dollars and the state treasurer is hereby directed to pay the same.

Appropriation: claim of Park-Union Foreign Banking Corp.

CHAPTER 222.

An act to amend section six hundred twenty-six g of the Penal Code, relating to the protection of fish and game.

[Approved May 25, 1923.]

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

SECTION 1. Section six hundred twenty-six g of the Penal Code is hereby amended to read as follows:
626g. Every person who at any time before September 1, 1925, hunts, pursues, kills or destroys, or has in his possession any species of tree squirrel is guilty of a misdemeanor.

Tree squirrels, killing prohibited.

CHAPTER 223.

An act providing for the building of a bridge across the Klamath river in Del Norte county to be known as the G. H. Douglas Bridge and making an appropriation therefor.

[Approved May 25, 1923.]

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

Appropriation: G. H. Douglas Bridge.

SECTION 1. Out of any money in the state treasury not otherwise appropriated the sum of two hundred twenty-five thousand dollars is hereby appropriated to be expended in accordance with law for the construction of a bridge across the Klamath river in Del Norte county at or near the town of Requa. Said bridge when completed shall be dedicated with suitable exercises under the direction of the state highway commission and shall, when completed, be known and designated as the "G. H. Douglas Bridge".

It is indispensable that the work of designing and constructing said bridge be commenced at the earliest possible date in order that said structure may be completed before the beginning of the next rainy season.

CHAPTER 224.

An act to add a new section to the Penal Code to be numbered six hundred forty-five, relating to prevention of procreation of persons convicted of carnal abuse of females under the age of ten years.

[Approved May 25, 1923.]

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

SECTION 1. A new section is hereby added to the Penal Code to be numbered six hundred forty-five, and to read as follows:

Carnal abuse, additional penalty.

645. Whenever any person shall be adjudged guilty of carnal abuse of a female person under the age of ten years, the court may, in addition to such other punishment or confinement as may be imposed, direct an operation to be performed upon such person, for the prevention of procreation.

CHAPTER 225.

An act granting to irrigation districts of the State of California the right to construct, operate and maintain electric light and power lines along or upon any road, street, alley, avenue or highway, or across any railway, canal, ditch or flume.

[Approved May 25, 1923.]

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

SECTION 1. That there is granted to every irrigation district of the State of California the right to construct, operate and maintain electric light and electric power lines along or upon any road, street, alley, avenue or highway, or across any railway, canal, ditch or flume which the route of such work intersects, crosses or runs along in such manner as to afford security for life and property, but the irrigation district shall restore the road, street, alley, avenue, highway, railway, canal, ditch or flume thus intersected to its former state of usefulness as near as may be; *provided, however*, that such irrigation district may not use any street, alley, avenue or highway within any city for such purpose, unless the right so to use the same is granted by a vote of the governing body of such city which shall have the right to impose reasonable conditions upon such use; *provided, also*, that such grant of authority shall not be necessary in any case where the street, alley, avenue or highway, or a portion thereof, proposed to be used for the purpose of constructing, operating or maintaining any such works, or any part thereof, is a necessary or convenient part of the route of such works and at the time construction thereof was commenced, or the plans adopted therefor, was located in territory not then within an organized city.

Rights of way for irrigation district electric light and power lines.

CHAPTER 226.

An act to define and prohibit bucketing and bucket shopping and bucket shops; to prohibit the communication, receipt, exhibition or display of quotations of prices of any securities or commodities for the purpose of bucketing or bucket shopping; to prohibit the use of property for the purpose of carrying on bucket shops or bucketing or bucket shopping; to require the keeping of records or books of account and the furnishing of statements of facts in certain cases, and fixing penalties.

[Approved May 25, 1923.]

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

SECTION 1. The following words and phrases used in this act shall, unless a different meaning is plainly required by the context, have the following meaning: Definitions.

“Person” shall mean an individual or partnership or a corporation or association, either domestic or foreign, whether

“Person.”

acting in his, their or its own right, or as the officer, agent, servant, employe, correspondent or representative of another or as trustee, as hereinafter defined.

“Trustee.” “Trustee” shall mean a person executing a trust, as hereinafter defined.

“Trust.” “Trust” shall mean all voluntary trusts, as the same are defined in the Civil Code, expressly created by or declared in an instrument in writing, other than a will or a judicial writ, order, decree or judgment, to carry on any business or to secure the payment or repayment of money.

“Contract.” “Contract” shall mean any agreement, trade, contract or transaction.

“Securities.” “Securities” shall mean all evidences of debt or property and options for the purchase or sale thereof, shares in any corporation or association or of trustees, as hereinabove defined, bonds, coupons, scrip, rights, choses in action, and other evidences of debt or property and options for the purchase or sale thereof or of any rights entitling the holder thereof to participate in profits or a division of assets.

“Commodities.” “Commodities” shall mean anything movable that is bought and sold.

“Bucket shop.” “Bucket shop” shall mean any room, office, store, building, or other place where any contract prohibited by this act is made or offered to be made.

“Keeper.” “Keeper” shall mean any person owning, keeping, managing, operating or promoting a bucket shop, or assisting to keep, manage, operate or promote a bucket shop.

“Bucketing” or “bucket shopping.” “Bucketing” or “bucket shopping” shall mean: (a) The making of or offering to make any contract respecting the purchase or sale of any securities or commodities, wherein both parties thereto intend, or such keeper intends, that such contract shall be, or may be, terminated, closed, or settled according to or upon the basis of the public market quotations of prices made on any board of trade or exchange upon which said securities or commodities are dealt in and without a bona fide purchase or sale of the same; or (b) the making of or offering to make any contract respecting the purchase or sale of any securities or commodities, wherein both parties thereto intend, or such keeper intends, that such contract shall be, or may be, deemed terminated, closed, or settled when such public market quotations of prices for the securities or commodities named in such contract shall reach a certain figure without a bona fide purchase or sale of the same; or (c) the making of or offering to make any contract respecting the purchase or sale of any securities or commodities, wherein both parties thereto do not intend, or such keeper does not intend, the actual or bona fide receipt or delivery of such securities or commodities, but do intend, or such keeper does intend, a settlement of such contract based upon the differences in such public market quotations of prices at which said securities or commodities are or are asserted to be bought and sold; or (d) the sale by such keeper of any security or commodity purchased by him for the account of or upon the order of another

when the proceeds of such sale are not immediately credited by such keeper to the account of such other person and when a report or statement in writing of such sale is not rendered to such other person by such keeper on the next business day following such sale.

SEC. 2. Any person who shall make or offer to make any contract defined in the preceding section, or who shall make any sale as set forth in subdivision (d) thereof, or who shall be the keeper of any bucket shop, shall be guilty of a felony and, upon conviction thereof, shall, if a corporation, be punished by a fine of not less than one thousand dollars nor more than five thousand dollars for each offense, and all other persons so convicted shall for each offense be punished by imprisonment in the state prison for not more than five years or by a fine of not less than one thousand dollars nor more than five thousand dollars, or by both such imprisonment and fine. The prosecution, conviction and punishment of a corporation hereunder shall not be deemed to be a prosecution, conviction or punishment of any of its officers, directors or stockholders.

offenses and penalties.

SEC. 3. Any person who shall communicate, receive, exhibit or display in any manner any statement of quotations of prices of any securities or commodities, with an intent to make, or offer to make, or to aid in making or offering to make, any contract prohibited by this act shall be guilty of a felony and, upon conviction thereof, shall be subjected to the penalties provided in section two of this act.

Penalties for aiding and abetting.

SEC. 4. It shall be the duty of every person doing business as a broker or making contracts as a broker or agent for the purchase or sale of any securities or commodities on any board of trade or exchange to keep or cause to be kept at his office or place of business correct and permanent records or books of account showing each of such transactions as a separate item. The failure to so keep or cause to be kept such records or books of account shall be prima facie evidence that any such contract was bucketing or bucket shopping. Such records or books of account shall at all times be open to inspection by the commissioner of corporations of the State of California, or to any deputy, investigator or auditor of the state corporation department to whom he may delegate such authority in writing.

Records of transactions to be kept.

Inspection

SEC. 5. Every person shall, upon written demand therefor, furnish to any customer or principal for whom such person has executed any order for the actual purchase or sale of any securities or commodities on any board of trade or exchange, either for immediate or future delivery, a written statement showing the name of the person from whom such property was bought or to whom it was sold, as the case may be, and the time when, place where and the price at which the same was either bought or sold; and if such person shall refuse or neglect to furnish such statement within forty-eight hours after such demand, such refusal or neglect shall be prima facie evidence that such transaction was bucketing or bucket shopping within the terms of this act.

Customers may demand statements.

CHAPTER 227.

An act to authorize the leasing of certain lands belonging to the State of California containing oil, gas, or other hydro-carbon deposits and providing for the disposition of the moneys received under said leases, and creating a commission to carry out the provisions of this act.

[Approved May 25, 1923.]

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

Oil, etc.,
leases on
state lands.

SECTION 1. A commission composed of the attorney general of the State of California, the chairman of the state board of control, and the surveyor general is hereby created. Said commission shall have power to lease to the highest responsible bidder by competitive bidding for the production of oil, gas and other hydro-carbons, upon such terms and under such rules and regulations as the commission may adopt, in tracts of such size and shape as the commission may determine, any land belonging to the State of California and dedicated to a public use, where such lands contain in the judgment of said commission oil, gas and other hydro-carbons in commercial quantities. Said commission shall have the power to reject any and all bids.

Receipts.

SEC. 2. Any money accruing from such leases shall be paid into the state treasury to the credit of the general fund.

CHAPTER 228.

An act to provide for the incorporation and organization and management of bridge and highway districts and to provide for the acquisition and construction by said districts of bridges and approaches thereto, and for the acquisition of all property necessary therefor, and also to provide for the issuance and payment of bonds by said districts, for the levying of taxes and the collection of tolls by said districts and for the annexation of additional territory thereto.

[Approved May 25, 1923.]

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

Bridge and
highway
districts.

SECTION 1. A bridge and highway district may be organized and incorporated and managed as herein expressly provided, and may exercise the powers herein expressly granted or necessarily implied. The word "county" as used herein shall include county, and city and county.

Extent of
district.

SEC. 2. A bridge and highway district may be organized consisting of one or more counties or parts of a county or counties, and including a city and county, under the provisions of this act, by proceeding as follows: The several boards of supervisors of said counties, or parts of counties, may adopt an ordinance to the effect that the county, or part of county, intends to unite with such other counties as may

Ordinance
proposing
district.

adopt like ordinances to form such district, or such ordinance may, in one or more of said counties, be adopted by the electors of the county under the provisions of the law applicable to the passage of ordinances by the initiative. Each of said counties shall be contiguous to another county therein; *provided*, that counties separated by any of the waters of this state are contiguous within the meaning of this act: In such ordinance it shall be directed that a petition be circulated therefor, and the board shall, by resolution, name and appoint persons to circulate and secure signatures for the same.

SEC. 3. Such petition which may consist of any number of separate instruments shall be presented to the secretary of state, signed by qualified electors, residing within the boundaries of the proposed bridge and highway district, equal in number to at least ten per centum of the number of such qualified electors in each county from which such petitions are presented voting for governor of this state at the last general election prior to the presentation of such petition. The board of supervisors of any county may, in lieu of proceeding by petition, call an election, as provided for the calling of special elections under the laws pertaining thereto, to be held in conformity therewith, where and when the same may be determined by a majority vote of the electors voting thereat.

Such petition shall set forth the extent of the district, either by describing its exterior boundaries, or by naming the counties proposed to be included therein, as having been determined by said ordinance and in case only part of any county is proposed to be included therein, the extent of the part of the county included may be indicated by naming the county and excepting therefrom, some administrative or governmental subdivision or subdivisions thereof, such as townships, school districts or other similar subdivisions, or such excluded portion may be described by its boundaries, and in any of said descriptions of included or excluded territory, reference to recorded instruments may be made for the purpose of defining such boundaries, and shall contain a prayer that such proposed bridge and highway district be incorporated under the provisions of this act. Attached to each of the petitions shall be a copy of the said ordinance. The said ordinance may be enacted by the board of supervisors at any time after application shall be made to them for such purpose, but in case such board shall neglect to act upon such application for a period of sixty days thereafter, the said ordinance may be submitted to the electors of such county or city and county under the provisions of the initiative applicable thereto. In case said ordinance shall be passed by the board of supervisors, it shall be subject to the referendum provisions applicable to ordinances generally in such county or city and county. The said petitions from any county shall be grouped or fastened together and shall contain a certificate of the county clerk of such county that the same contains the requisite number of qualified signatures of qualified electors. The said county clerk shall have ten days time for the examination of such petitions

Petition to
secretary
of state.

Contents of
petition.

County
clerk to
verify.

Supplemental
petitions.

when left with him for verification and it shall be his duty to verify the same, attach his certificate thereto within said period of time and forward the same to the secretary of state with his certificate that the same is sufficient and if from such examination he shall find that said petition is not signed by the requisite number of qualified electors residing within his county he shall also certify to the number of qualified electors required to make such petition sufficient, and it may be amended by filing a supplemental petition or petitions within twenty days from the date of such certificate, either by the same persons theretofore appointed to secure signatures, or by other persons appointed by the board of supervisors for that purpose. The county clerk shall within ten days after the filing of such supplemental petition or petitions make like examination of the same and certify to the result of such examination as hereinabove provided. If his certificate shall show any such petition or said petition as amended to be insufficient it shall be filed by him with the secretary of state and kept by him as a public record without prejudice however to the filing of a new petition to the same effect, but if, by the certificate of the county clerk such petition or said petition as amended is shown to be sufficient the county clerk shall present the same to the secretary of state without delay. If any supplemental petition be filed all of the signatures appended to the petition or to the supplemental petition or petitions shall be considered in determining the number of qualified electors signing the petition. In case an election is had in any county in the place of said petition, the county clerk shall certify to the secretary of state the result thereof, with a copy of the action of the board of supervisors authorizing said election.

Publication
of petition.

After the certificate is issued by the secretary of state for the incorporation of such proposed bridge and highway district, the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned. If any county within the boundaries of such proposed bridge and highway district shall have a registrar of voters other than the county clerk the said registrar of voters shall perform the duties herein required to be performed by the county clerk respecting the examination, certification and filing of the petition, and said registrar of voters shall return said petition immediately upon the completion of such examination, together with his certificate showing the result of such examination to the secretary of state. When all of said petitions, or certifications of the result of elections when such elections are held, have been received from the several county clerks of counties having any portion of their territory within said proposed bridge and highway district the said secretary of state shall publish the text of such petition for at least three weeks before the time set by him as the time up to which protests may be received as hereinafter provided in at least one and not to exceed three newspapers printed and published in

each of the counties from which such petitions have been presented, together with a notice stating the time which he has fixed up to which protests will be received against the inclusion of property within such proposed bridge and highway district. The names attached to said petition need not be published therewith, nor the certificates of any of the county clerks or registrars of voters, but it shall be sufficient to state that the same has been signed by a certain number of electors, naming it, and duly verified by such county clerks or registrars of voters.

At any time before the time set by the secretary of state up to which protests may be received, any owner of property subject to taxation within said proposed bridge and highway district, may file, with the secretary of state, his protest in writing against the formation of such district, and stating therein such grounds as he may have for claiming that his said property, or any portion thereof, will not be benefited by the formation of the proposed bridge and highway district. The said protest shall contain the name and address of the person protesting and the name and address of his attorney, if he has one, and all of the protests so received by the secretary of state shall, with the petition filed from the county, be forwarded by the secretary of state to the superior courts in the respective counties from which the same have been received by the secretary of state, and thereupon the said superior courts shall acquire jurisdiction to hear and determine the said protests so received from the owners of lands located within their respective counties. It shall be the duty of the clerk of said superior courts to set the said matters for hearing before said court, and to give ten days notice thereof in writing to the protestants, and to any person who shall have filed with the secretary of state his name and address as the attorney for the petitioners in said petition, which said attorneys names and addresses shall also be certified from the office of the secretary of state to the respective county clerks at the time of the transmission of the petitions thereto. At the time specified in such notice, or at such other time to which the said hearing may be continued, the said superior courts shall have jurisdiction to hear and determine all matters urged by the protestants against the formation of the said proposed bridge and highway district, or against the inclusion of their lands therein, and the said superior courts shall have jurisdiction to exclude the said lands from said proposed district, together with any other lands contiguous to the excluded lands, and contiguous to the exterior boundaries of the proposed district which are similarly situated to the lands of the protestants, to the end that isolated tracts may not be excluded from the district without also rectifying the boundaries thereof so that the district when finally formed shall be compact, continuous and without tracts of land excluded therefrom which are totally surrounded by other lands which are left within the district.

Protests.

Hearing by
superior
court.

Review by
supreme
court.

The judgment of the said superior courts, when given shall be certified by the clerk to the secretary of state, together with the original petitions and protests theretofore transmitted to him by the secretary of state, and the said judgment shall not be appealable, and all questions of fact therein contained shall be final and conclusive upon the whole world, and shall only be subject to review by the supreme court of this state, upon a writ of review issued out of that court in such cases as writs of review are now permissible against superior courts, or the irregular exercise of the jurisdiction of such courts. Such proceedings for a writ of review must be taken within ten days after the entry of the judgment in the superior courts, and if not so taken all judgments of the superior courts shall become final.

Certificate
of incorpora-
tion.

When all of the protests have been disposed of as hereinabove provided, and the results of the judgments therein certified to the secretary of state, the secretary of state shall thereupon issue his certificate of incorporation declaring the said district with the boundaries as finally established to be duly incorporated, formed and organized and shall file the same in his office, and cause a certified copy thereof to be recorded in the office of the county recorders of each of the counties situated within or partially within said proposed bridge and highway district.

Appoint-
ment of
directors.

SEC. 4. The secretary of state shall also within five days after the issuance of such certificate notify the boards of supervisors in each of the counties in which any portion of the territory of the district is located, of the formation of such district, and thereupon and within thirty days thereafter each of the boards of supervisors shall appoint persons to act as a board of directors of the district, each being a resident of the county where appointed as follows: One for counties with a population of forty thousand and less; two for a county having a population over forty thousand and not more than one hundred thousand; three for counties having a population of more than one hundred thousand and less than five hundred thousand, and five for counties having a population of five hundred thousand and over. All directors shall hold office until the appointment and qualification of their successors. The term of office of directors appointed under the provisions of this act shall be four years from and after their appointment, *provided* that the first board of directors shall by lot classify themselves so that one-half of their number shall hold office for two years only and if the number of such directors at the time of such classification be an odd number then the odd member of said board shall also hold office for the two years, at which time the boards of supervisors shall reappoint their successors for a full term of four years. Vacancies in the board shall be filled for the unexpired term by a like appointment by the said boards of supervisors. The board of directors shall be the governing body of such bridge and highway district and it shall hold its first meeting on the call of the secretary of state within two weeks after the boards

Terms of
office.

Meetings.

of supervisors have made the appointments herein provided to be made. Said appointments shall be by resolution of said boards and certified to the secretary of state. The secretary of state shall designate an appropriate time and place of meeting for the first meeting of the board of directors. The board of directors shall choose one of its members to act as president, and shall also choose a secretary, who shall not be a member of the board, and shall thereupon provide for the time and place of holding its meetings, and the manner in which its special meetings may be called. All meetings of the board of directors, whether regular or special, shall be open to the public. A majority of the board of directors shall constitute a quorum for the transaction of business. The board of directors shall establish rules for its proceedings.

SEC. 5. The board of directors shall select an office and place of business within the district, and the said board of directors may hold sessions in any county within the district in the chambers of the boards of supervisors of each county, if suitable for the purpose, or such other suitable place as they may designate. Such meetings shall only be held for the purpose of considering local questions affecting the particular county in which the same are held or a group of counties which are conveniently located with respect to said place of meeting. The board of directors shall act only by ordinances or resolutions. The ayes and noes shall be taken upon the passage of all ordinances and resolutions, and entered upon the journal of the proceedings of the board. No ordinance or resolution shall be passed or become effective without the affirmative votes of at least a majority of the members of the board. The enacting clause of all ordinances passed by the bridge and highway district shall be in these words "Be it ordained by the board of directors of ----- bridge and highway district as follows:". All resolutions and ordinances shall be signed by the president of the board of directors, and attested by the secretary. Each of the members of the board of directors shall receive for his attendance at the meeting of the board twenty dollars, and his necessary traveling expenses, and shall receive no other compensation. No director, however, shall receive pay for more than three meetings in any one calendar month.

Offcc.

Ordinances and resolutions.

Compensation.

SEC. 6. The board of directors shall at its first meeting, or as soon thereafter as practicable, appoint by a majority vote a general manager, an auditor and a secretary. No director shall be eligible for the office of general manager, or any other of the subordinate officers, except president or vice president of the board of directors. The general manager, auditor, secretary and subordinate officers shall receive such compensation as the board of directors shall determine, and shall serve during the pleasure of the board.

General manager, auditor and secretary.

SEC. 7. The general manager shall have full power and authority to employ and discharge all subordinate officers, employees and assistants at pleasure, prescribe their duties, and shall, subject to the board of directors, fix their compensa-

General manager's powers and duties.

tion. He shall have full charge and control of the construction, maintenance and operation of all works of the district, and shall be the executive officer thereof. The general manager shall report to the board of directors in accordance with such rules and regulations as they may adopt. The board of directors shall outline rules of policy, approve plans, and vote or withhold appropriations to carry the same into effect.

Attorneys and other officers.

SEC. 8. The board of directors shall appoint an attorney and all subordinate officers not provided to be appointed by the general manager, and shall fix their salaries; such subordinate officers to serve at the pleasure of the board.

Validity of incorporation.

SEC. 9. No informality in any proceeding not substantially effecting adversely the legal rights of any citizen shall be held to invalidate the incorporation of any bridge and highway district, and any proceedings wherein the validity of such incorporation is denied shall be commenced within three months from the date of the certificate of incorporation; otherwise said incorporation and the legal existence of said bridge and highway district, and all proceedings in respect thereof, shall be held to be valid and in every respect legal and incontestable.

Powers.

SEC. 10. Any bridge and highway district incorporated as herein provided shall have power,

Succession.

1. To have perpetual succession.

Suits.

2. To sue and be sued, except as otherwise provided herein, by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction.

Seal.

3. To adopt a seal and alter it at pleasure.

Property.

4. To take by grant, purchase, gift, devise or lease, and to hold, use, enjoy and to lease and dispose of real or personal property of every kind within or without the district necessary to the full exercise of its powers.

Operative property.

5. To acquire, or contract to acquire; to construct under contract, or by its own employees, bridges, abutments, rights of way, roads, tunnels, railroads, streetcar lines, interurban lines, telephone and telegraph lines, foot paths, viaducts, toll gates, toll houses, subways, and all other forms of property necessary or proper to the construction, operation, maintenance or supervision of its works, and to construct, maintain and operate, or construct or operate any of the foregoing classes of property, and all machinery or other property useful or necessary to construct, maintain, operate or otherwise make use of toll bridges and highways for the benefit of the district, and to complete, add to, repair or otherwise improve any of such property acquired by it as herein authorized.

Rights of way.

6. To acquire by purchase, gift or condemnation, or to lease of and from the government of the United States, from this state, or from any person, firm or public or private corporation, with the privilege of purchasing or otherwise, lands, rights of way, or rights in, over or across lands or waters necessary or proper for the construction or opera-

tion of bridges, and the approaches thereto, as herein provided; also to fix and collect tolls, charges, rentals and other rates of income for the purpose of meeting the obligations of the district and repaying the same, and disposing of the surplus to the various counties within the district, as hereinafter provided.

7. To have and exercise the right of eminent domain and in the manner provided by law for the condemnation of private property for public use, to take any property necessary for the construction of such bridges, or the approaches thereto, or the highways leading thereto, whether such property be already devoted to the same use or another public use, or otherwise, and may condemn any existing highway, right of way or any portion thereof by whomsoever owned. In any proceeding relative to the exercise of such right the district shall have the same rights, powers and privileges as the State of California. In the case of condemnation of property by the district, the district may take possession and use said property as provided by section one thousand two hundred fifty-four of the Code of Civil Procedure.

8. To borrow money, incur indebtedness and to issue bonds or other evidences of such indebtedness; also to refund or retire any indebtedness or lien that may exist against the district or any property thereof.

9. To cause taxes to be levied for the purpose of paying running expenses, the organization expenses and the investigation expenses of the district before the issuance of bonds, and after the issuance of bonds to cause taxes to be levied for the purpose of paying any obligation of the district. Any of said taxes shall be levied and collected in the manner hereinafter provided.

10. To make contracts, to employ labor, and all kinds of employees, whether skilled or unskilled, for the purpose of carrying on the business of the district, and to do all acts necessary for the full exercise of the foregoing powers.

11. In case of condemnation proceedings the board shall proceed in the name of the district.

12. To establish all necessary rules, regulations or conditions under which the property of the district may be used by the public and to fix and collect all charges for the use thereof, and to enter into contracts with public or private persons, officers or corporations, whereby the facilities constructed by the district may be made use of, by such persons, officers, or corporations, and at the tolls, charges or for the consideration fixed by such contracts.

SEC. 11. The powers herein enumerated shall, except as herein otherwise provided, be exercised by the board of directors, above provided for and appointed as prescribed herein.

SEC. 12. The president shall sign all contracts on behalf of the district, and perform such other duties as may be imposed by the board of directors.

The secretary shall countersign all contracts on behalf of the district and perform such other duties as may be imposed

by the board of directors. The secretary shall give his full time during office hours to the affairs of the district.

The auditor shall be charged with the duty of installing and maintaining a system of auditing and accounting that shall completely at all times show the financial condition of the district. He shall draw warrants to pay the demands made against the district when such demands have been first approved by the general manager, and the auditing committee, consisting of at least three members of the board of directors, and passed by the board.

The engineer shall have, under the direction of the general manager, full charge of the constructions and of the works of the district, and the attorney shall have full charge of the legal matters appertaining to said district, and shall be the legal advisor to the board of directors, to the general manager, and to all of the officers of the district.

The board of directors must also designate the depository, which shall be a bank of good standing, and may also designate other banks as branch depositories to have the custody of the funds of the district, all of which depositories or branch depositories shall give security sufficient to secure the district against possible loss, and shall pay the warrants drawn by the auditor for demands against the district under such rules as the directors may prescribe.

The board of directors may also prescribe that the funds of the district be deposited in the state treasury of the State of California, either in whole or in part, and the said state treasurer is hereby authorized, empowered and directed to receive the same and pay the same out upon the warrants of the district, under such rules as the directors may prescribe.

Official
bonds.

The general manager, secretary, auditor, engineer, and attorney, and all other officers or assistants of said district who may be required to do so by the board of directors, shall give such bonds to the district, conditioned for the faithful performance of their duties, as the board of directors from time to time may provide.

Plans, data,
etc.

SEC. 13. After the organization of the district it shall be the duty of the board of directors, the general manager, and all of the officers thereof, to prepare, plans, both engineering and financial, for the purpose of putting into operation the project for which the district has been organized, and to secure the necessary data, contracts, agreements, plans and specifications for the prosecution of such work as will enable them to put the matter before the voters at an election held for the purpose of authorizing the bonds of the district.

Tax levy.

SEC. 14. The board of directors shall in the month of July of each year determine the amount necessary to be raised by taxation, and shall fix a rate of taxes to be levied which will raise the amount of money required by the district, not exceeding, however, the rate of ten cents on each one hundred dollars of assessed valuation when the purpose of such taxes is to supply funds for investigating the project prior to the

issuance of bonds and the payment of the officers and employees of the district prior to the time when the works of the district are earning revenue, and within a reasonable time previous to the time when the boards of supervisors are required by law to fix their tax rates, to certify to the boards of supervisors of each county within the district, or having a portion of its territory within the district, the rates so fixed with a direction that at the time and in the manner required by law for the levying of taxes for county purposes such board of supervisors shall levy and collect a tax in addition to such other tax as may be levied by such board of supervisors at the rate so fixed and determined, and it is made the duty of the officer or body having authority to levy taxes within each county or city and county to levy the tax so required, and it shall be the duty of all county or city and county officials charged with the duty of collecting taxes to collect such taxes in the time, form and manner as county or city and county taxes are collected, and when collected to pay the same to the district ordering its levy and collection, and such payments shall be made through the secretary of the district, and paid into the depository thereof, or in to the state treasury to the credit of the district. Such taxes shall be a lien upon all property within the territory comprising the district, and of the same force and effect as other liens for taxes, and their collection may be enforced by the same means as provided for the enforcement of liens for county taxes; *provided*, that no taxes shall be levied by the board under the provisions of this section for the purpose of carrying out new projects after the original project for which the district was formed has been completed.

Collection.

Lien.

SEC. 15. Whenever the board of directors deem it necessary for the district to incur a bonded indebtedness it shall, by resolution so declare and state the proposition to be submitted to the electors, the purpose for which the proposed debt is to be incurred, the amount of debt to be incurred, the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed forty years, and the maximum rate of interest to be paid, which shall not exceed six per centum per annum. The proposition to be submitted to the electors shall contain a statement that interest, to be paid upon such bonds, during the period of construction of the works of the district and before any revenue is obtained therefrom shall be payable out of the principal sum realized from the sale of the bonds, which is hereby declared to be a capital charge. The board of directors shall fix a date upon which an election shall be held for the purpose of authorizing said bonded indebtedness to be incurred. It shall be the duty of the board of directors to provide for holding such special election on the date so fixed and in accordance with the general election laws of the state so far as the same shall be applicable, except as herein otherwise provided. Such board of directors shall give notice of the holding of such election, which notice shall refer to the resolution adopted by the board of directors of the bridge

Bond
election
resolution.

Notice.

and highway district and shall specify the precincts or consolidated precincts in each county or portion of a county or city and county which are adopted for the purposes of such election, the location of the balloting places, and the names of the officers selected to conduct the election, who shall consist of one inspector and two judges in each precinct. Such notice shall contain only the reference to the precincts, polling places and election officers in the county in which it is published and shall be published for two weeks in at least one newspaper and not more than three newspapers published in each county or portion of a county or city and county or portion of a city and county within said bridge and highway district, which newspapers shall be designated by the board of directors, and if there is no newspaper published in any one of such counties or city and county, then by posting such notice in three public places therein. All the expenses of holding such election shall be borne by the district. The returns of such elections shall be made, the votes canvassed by the board of directors, and the results thereof designated and declared in accordance with the general election laws of the state so far as they may be applicable, except as herein otherwise provided. Such canvass shall be made within thirty days after the holding of such election. The secretary of the board of directors, as soon as the result is declared shall enter in the records of the board a statement of such results. No irregularities or informalities in conducting such election shall invalidate the same, if the election shall have otherwise been fairly conducted. In all respects not otherwise provided for herein said election shall be called, managed and directed as is by law provided for general elections in this state except as herein otherwise provided.

Conduct of election.

Issuance of bonds.

Sec. 16. If from such returns it appears that more than two-thirds of the votes cast at such election were favorable to the incurring of such indebtedness, then the board of directors may by resolution at such time or times as it deems proper provide for the form and execution of such bonds, and for the issuance of any part thereof, and may sell or dispose of the bonds so issued at such times or in such manner either for cash in lawful money of the United States of America, or its equivalent as it may deem to be to the public interest, provided that the bonds issued and authorized shall not exceed in amount fifteen per centum of the assessed value of all property in the district.

Bonds legal investments.

Sec. 17. Any bonds issued by any bridge and highway district are hereby declared to be legal investments for savings banks, and are hereby given the same force and value and use as bonds issued by any municipality, and shall be exempt from all tax within the State of California.

Rights of way

Sec. 18. The board of directors shall have power to construct works across any stream, strait, bay, water course, street, avenue, highway, railway, canal, ditch or flume which the route of said works may intersect or cross; and said works may also be constructed along any street, avenue, or highway;

provided such works are constructed in such manner as to afford security for life and property, and said board of directors shall restore the crossings and intersections to their former state, as near as may be, or in a manner not to have impaired unnecessarily their usefulness. Every public corporation, municipality, or company whose right of way shall be intersected or crossed by said works shall unite with said board of directors in forming such intersection or crossing, and grant the rights therefor, and said bridge and highway district shall pay the necessary expenses of any intersection or damages to any public corporation or municipality or abutting property owner for expenses caused by reason of the construction of the works of the district in the manner adopted by the district. The right of way is hereby given, dedicated and set apart to locate, construct and maintain said works over and through any of the lands which are now or may be the property of this state, including highways and to have the same rights and privileges appertaining thereto as may be granted to the municipalities of this state.

Crossings
and inter-
sections.

State lands.

SEC. 19. The board of directors shall fix all rates and tolls and traffic charges for the use of the facilities of travel constructed by the district, and through the general manager shall collect the tolls and charges thus established.

Rates.

SEC. 20. The board of directors shall require the general manager to furnish an estimate of the rates necessary to pay the obligations of the district, and upon the recommendation of the general manager, or such modifications thereof as they may adopt, shall fix such rate as will pay the operating expenses of the district, provide for repairs and depreciation of works, owned or operated by it, pay the interest on any bonded debt, and so far as possible, provide a sinking or other fund for the payment of the principal of such debt, as it may become due, it being the intention of this act to require the district to pay the interest and principal of its bonded debt from the revenues of the district.

Estimate of
rates.

SEC. 21. In case the revenues of the district shall be inadequate to pay the principal or interest on any bonded debt, as it becomes due, then the board of directors may cause a tax to be levied for that purpose, as hereinbefore provided, except that until the operation of the works of the district has commenced, and the same commence to yield a revenue, the interest on the bonded debt shall be paid out of the principal obtained from the sale of the bonds, and after the revenues of the district commence to accrue by reason of the operation of its works no taxes shall be levied except for deficits, either actually incurred or estimated for the fiscal year in which the same are levied. If from any cause the revenues of the district shall be more than adequate to pay all of the expenses of the district for the current year any surplus shall be divided by the directors of the district, and apportioned to the respective counties within the district in the proportion which the assessed value of property within

Deficiency
tax levy.

Surplus
revenues.

such county, city and county or parts of counties within the district bears to the total assessed value of property within the district.

Definitions.

SEC. 22. The word "county" as used in this act shall include a consolidated city and county, and the word "city" as used in this act shall include a consolidated city and county, city or town, and the term "municipality" as used in this act, shall include a consolidated city and county, city or town. The word "district" unless otherwise expressed or used, shall be construed to mean a bridge and highway district formed under the provisions of this act, and the word "board" and the words "board of directors" shall apply to the board of directors of such district.

Annexation of additional territory.

SEC. 23. Any county, city and county, or any portion of either or both may be added to any bridge and highway district organized under the provisions of this act, at any time, upon petition presented in the manner herein provided for the organization of such bridge and highway district, which petition shall be in a like manner presented to the secretary of state, who shall give notice of the presentation thereof, and of the date set for receiving protests against the same in the same manner as in the case of the original petitions, and all of the provisions herein applicable to petitions for the formation of a district shall apply to petitions for annexations. After all protests have been disposed of in a like manner as upon the formation of the district, the secretary of state shall issue his certificate certifying to the annexation and describing the boundaries as finally determined, which certificate shall be recorded in the office of the county recorder of each county wherein any portion of the annexed territory is located, and thereupon the boards of supervisors of such county or counties shall appoint a member or members of the board of directors to serve until the expiration of the term of the directors then holding for the term of office that will soonest expire. From and after the date of the original certificate of incorporation of a bridge and highway district the said bridge and highway district shall be deemed to be incorporated with all of the rights, privileges and powers set forth in this act, and necessarily incident thereto, and from and after the date of such certificate of annexation by the secretary of state the territory named therein shall be deemed added to and form a part of the said bridge and highway district, with all of the rights, privileges and powers set forth in this act and necessarily incident thereto.

District deemed incorporated.

Name.

SEC. 24. Every bridge and highway district incorporated under this act shall bear a distinctive name to be set forth in the petition for the formation thereof, and such name shall be the legal name under which said district shall thereafter be known. Districts formed in pursuance of the foregoing provisions may purchase, or condemn any of the works contemplated by the provisions of this act which have already been completed or partly completed, and may conduct and manage the same as herein provided.

Condemnation powers.

CHAPTER 229.

An act providing for the exchange of certain lands of the state and for the management and control of the lands acquired in exchange.

[Approved May 26, 1923.]

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

SECTION 1. Public lands of the State of California, situated within the exterior boundaries of a national forest, which in the judgment of the surveyor general are more valuable for timber than for any other purpose, may be exchanged for timber lands of the United States of equal value, in one or more compact tracts, situated in the State of California. The surveyor general is hereby authorized to select the lands of the State of California to be so exchanged and to arrange with the proper officials of the United States for their exchange. No lands shall be accepted in exchange under the provisions of this act without the approval of the surveyor.

Exchange of state lands for U. S. timber lands.

SEC. 2. Whenever in the judgment of the surveyor general it would be to the advantage of the State of California to exchange any of its public lands situated within the exterior boundaries of a national forest, which are chiefly valuable for timber, for timber lands of equal value of the United States in one or more compact tracts, the surveyor general shall so certify to the governor, who shall thereupon execute, on behalf of the State of California, any and all deeds or other instruments of conveyance necessary to effect such exchange; *provided, however,* that all lands acquired by exchange under this act shall be subject to the laws governing state lands of the class from which the exchange was made.

Surveyor general to certify.

Governor to execute transfer.

CHAPTER 230.

An act to amend section seven hundred ninety-one of the Political Code, relating to notaries public.

[Approved May 26, 1923.]

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

SECTION 1. The governor may appoint and commission such number of notaries public for the several counties and cities and counties of the state as he shall deem necessary for the public convenience, except that in counties of the second class the number shall not exceed one hundred fifty-five.

Number of notaries public.

CHAPTER 231.

An act to amend section eight hundred sixty-two of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, as amended, relating to the power of boards of trustees in cities of the sixth class.

[Approved May 26 1923.]

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

Stats. 1921,
p. 590,
amended.

SECTION 1. Section eight hundred sixty-two of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, as amended, is hereby amended so as to read as follows:

Powers of
city trustees.

Sec. 862. The board of trustees of said city shall have power:

Acquire
real estate.

1. To pass ordinances not in conflict with the constitution and laws of this state or of the United States.

2. To purchase, lease, or receive such real estate situated inside or outside of the city limits and personal property as may be necessary or proper for municipal purposes, and to control, dispose of, and convey the same for the benefit of the city or town; *provided*, they shall not have power to sell or convey any portion of any water front.

Provide
water
supply.

3. To contract for supplying the city or town with water for municipal purposes, or to acquire, construct, repair, and manage pumps, aqueducts, reservoirs, or other works necessary or proper for supplying water for the use of such city or the inhabitants, or for irrigating purposes therein.

Establish
bridges and
highways.

4. To establish, build, and repair bridges; to acquire by purchase or otherwise lands for squares, parks, playgrounds and places within the city or town, and to improve, equip and maintain the same; to establish, lay out, alter, keep open, improve, and repair streets, sidewalks, alleys, tunnels, and other public highways, and to drain, sprinkle, oil, and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, macadamize, gravel, and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks, and cross-walks therein, or on any part thereof; to cause to be planted, set out, and cultivated, shade trees therein; and generally to manage and control all such highways, tunnels, and places; and in the exercise of the powers herein granted to expend, in their discretion, the ordinary annual income and revenue of the municipality in payments of the costs and expenses of the whole or any part of such work or improvement.

Open streets.

4a. To acquire property required for the opening and laying out of any street, alley, lane or tunnel from the point where the continuity of such street, alley, lane or tunnel ceases, to the point where such street, alley, lane or tunnel again commences, to lay out and improve said street, alley, lane or tunnel; and to

pay the cost and expense incurred in the acquisition of the required property out of the general fund of the city.

5. To construct, establish, and maintain drains and sewers. Sewers.

6. To provide fire engines and all other necessary and proper apparatus for the prevention and extinguishment of fires. Fire protection.

7. To impose on and collect from every male inhabitant between the ages of twenty-one and sixty years, an annual street poll tax, not exceeding two dollars; and no other road poll tax shall be collected within the limits of the city. Collect street poll tax.

8. To impose and collect an annual license not exceeding two dollars on every male dog, and four dollars on every female dog owned or harbored within the limits of the city. Dog tax.

9. To levy and collect annually a property tax, which shall not, without the assent of two-thirds of the qualified electors of such city or town voting at an election to be held for that purpose exceed one dollar on each one hundred dollars; *provided, however,* that in cities which have constructed or may hereafter construct embankments, sea walls, or other works to protect such cities from overflow, said board of trustees may levy and collect annually, a property tax which shall not exceed twenty cents on each one hundred dollars, which, when collected, shall be kept in a separate fund and used for the construction and maintenance of embankments, sea walls, or other works to protect such city from overflow and for no other purpose. Property tax.

10. To license, for the purpose of revenue and regulation, all and every kind of business authorized by law and transacted and carried on in such city or town, and all shows, exhibitions and lawful games carried on therein; to fix the rates of license tax upon the same, and to provide for the collection of the same by suit or otherwise. License business.

11. To improve the rivers and streams flowing through such city or adjoining the same; to widen, straighten, and deepen the channels thereof, and to remove obstructions therefrom; to acquire and improve public mooring places for watercraft; to improve the water front of the city; including the ocean front thereof, and to build and construct breakwaters, jetties and sea wall: to construct and maintain embankments and other works, to protect such city from overflow; and to acquire, own, construct, maintain, and operate on any lands bordering on any navigable bay, lake, inlet, river, creek, slough, or arm of the sea within the corporate limits of such city or contiguous thereto, wharves, chutes, piers, breakwaters, bathhouses and life-saving stations. Improve rivers and streams.

12. To erect and maintain buildings for municipal purposes, and to acquire and maintain cemeteries, situated inside or outside of said city. Erect municipal buildings.

13. To acquire, own, construct, maintain and operate bus lines, street railways, steam railway spur tracks, telephone and telegraph lines, gas and other works for light, power and heat; public libraries, museums, gymnasiums, parks, and baths, and to grant franchises for the construction of public utilities as they may deem proper, the laying of railroad tracks and the Acquire public utilities.

running of cars drawn by horses, steam, or other power thereon, and the laying of gas and water pipes in the public streets, and to permit the construction and maintenance of telegraph and telephone lines therein.

Impose
fines.

14. To impose fines, penalties, and forfeitures for any and all violations of ordinances; and for any breach or violation of any ordinance; to fix the penalty by fine or imprisonment, or both; but no such fine shall exceed three hundred dollars, nor the term of imprisonment exceed three months.

Compel labor
of prisoners.

15. To cause all persons imprisoned for violation of any ordinance to labor on the streets, or other public property, or works within the city.

Establish
fire limits.

16. To establish and maintain fire limits, and regulate building and construction and removal of buildings within the municipality.

Regulate
construction
of buildings.

16a. To regulate the construction of and the materials used in all buildings, chimneys, stacks and other structures; to prevent the erection and maintenance of insecure or unsafe building walls, chimneys, stacks, or other structures, and to provide for their summary abatement, destruction or removal; to provide for the abatement, destruction or removal of unsightly or partially destroyed buildings; to regulate the materials used in and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials used in wiring buildings or other structures for the use of electricity for lighting, power, heat or other purposes and materials used for piping buildings or other structures for the purpose of supplying the same with water, gas, or electricity, and the manner of so doing; to prohibit the construction of buildings and structures which do not conform to such regulations.

Regulate
advertising,
etc.

16b. To regulate the exhibition, posting or carrying of banners, placards, posters, cards, pictures, signs or advertisements in or on the street, or on or upon buildings, fences, billboards or other structures; or on or upon any pole in any sidewalk, alley, street, lane, court, park or other public place; to regulate the suspension of banners, flags, signs, advertisements, posters, pictures, or cards across or over any sidewalk, alley, street, lane, court, park or other public place, or such suspension from fences, poles, houses or other structures; to prohibit and prevent encroachments upon or obstruction in or to any sidewalk, street, alley, lane, court, park or other public place, and to provide for the removal of such encroachment or obstruction.

Compel
removal of
dirt, weeds,
etc.

16c. To compel the owner, lessee or occupant of buildings, grounds, or lots to remove dirt, rubbish, weeds and rank growths from the sidewalk opposite thereto, and from the buildings or grounds, and on his default, after such notice as the board of trustees may prescribe, to authorize the removal or destruction thereof by some officer of the city at the expense of such owner, lessee or occupant, and by such procedure as the board of trustees may prescribe, to make such expense a lien upon such buildings or grounds.

17. To issue subpoenas for the attendance of witnesses, or the production of books or other documents, for the purpose of producing evidence or testimony in any action or proceeding pending before the board of trustees, which subpoenas must be signed by the president of the board of trustees, and attested by the city clerk and may be served in the same manner as subpoenas are served in civil actions. Whenever any person duly subpoenaed to appear and give evidence, or to produce any books or any documents as herein provided, shall neglect or refuse to appear, or to produce such books or documents, as required by such subpoena, or shall refuse to testify before such board, or to answer any questions which a majority thereof shall decide to be proper and pertinent, it shall be the duty of the president of the board to report the fact to the judge of the superior court of the county, who shall thereupon issue an attachment in the form usual in the court of which he shall be judge, directed to the sheriff of the county where such witness was required to appear and testify, commanding the said sheriff to attach such person, and forthwith bring him before the judge by whose order such attachment was issued. On the return of the attachment and the production of the body of the defendant, the said judge shall have jurisdiction of the matter, and the person charged may purge himself of the contempt in the same way, and the same proceedings shall be had, and the same penalties may be imposed, and the same punishment inflicted as in the case of a witness subpoenaed to appear and give evidence on the trial of a civil cause before a superior court.

Issue subpoenas.

18. To expend such a sum as the board of trustees shall deem proper, not to exceed five per cent of the property tax levy in any one fiscal year, for music and promotion.

Music and promotion.

19. To do and perform any and all other acts and things necessary or proper to carry out the provisions of this act.

Other acts.

SEC. 2. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Constitutionality.

CHAPTER 232.

An act to provide for the assessment, levy and collection of taxes for the support of the state government for the seventy-fifth and seventy-sixth fiscal years.

[Approved May 26, 1923.]

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

Assessment
and levy of
state taxes.

Sum to be
raised for
75th fiscal
year.

Ad valorem
tax

SECTION 1. The state board of equalization shall, between the first Monday in March and the first Monday in July in the year one thousand nine hundred twenty-three, for the support of the state government assess and levy taxes upon the property in the manner and upon the rates of taxation as provided for in the subdivisions (a), (b), (c), and (d), of section fourteen of article thirteen of the constitution of the State of California, or if any rate of taxation shall have been changed by the legislature pursuant to subdivision (f) of said section and article, then upon such rate of taxation as so changed and fixed, for the purpose of raising the sum of forty million dollars for annual expenditure for the support of the state government for the seventy-fifth fiscal year, and in the event that the taxes so assessed and levied, together with all available revenues other than those revenues required by law to be used for special uses, shall not raise said sum of forty million dollars; then said above named revenues shall be deemed insufficient to meet the annual expenditures of the state for the seventy-fifth fiscal year, which deficiency is hereby declared to be the difference between the amount of taxes assessed and levied upon the property and in the manner and upon the rates of taxation hereinbefore specified, together with all other state revenues, other than those revenues required by law to be used for special uses, and said sum of forty million dollars, then said state board of equalization, in accordance with the provisions of subdivision (e) of said section fourteen of article thirteen of the constitution of the State of California, at the time provided in section three thousand six hundred ninety-six of the Political Code, shall fix such an ad valorem rate of taxation for the said seventy-fifth fiscal year upon each one hundred dollars in value of taxable property, upon all the property in the State of California not exempt from taxation under the law and subject to taxation for state purposes on the seventh day of November in the year one thousand nine hundred ten, as, after allowing five per cent for delinquencies, will raise for said seventy-fifth fiscal year the amount of said deficiency.

SEC. 2. The state board of equalization shall, between the first Monday in March and the first Monday in July in the year one thousand nine hundred twenty-four, for the support of the state government, assess and levy taxes upon the property in the manner and upon the rates of taxation as provided for in subdivisions (a), (b), (c) and (d) of section fourteen of article thirteen of the constitution of the State of Cali-

fornia, or if any rate of taxation shall have been changed by the legislature pursuant to subdivision (f) of said section and article, then upon such rate of taxation as so changed and fixed by the laws now in force, for the purpose of raising the sum of forty million dollars for annual expenditure for the support of the state government for the seventy-sixth fiscal year: and in the event that the taxes so assessed and levied, together with all available revenues other than those revenues required by law to be used for special uses, shall not raise the said sum of forty million dollars, then said above named revenues shall be deemed insufficient to meet the annual expenditures of the state for the seventy-sixth fiscal year, which deficiency is hereby declared to be the difference between the amount of taxes assessed and levied upon the property and in the manner and upon the rates of taxation as hereinbefore specified, together with all other state revenues, other than those revenues required by law to be used for special uses, and said sum of forty million dollars, then said state board of equalization, in accordance with the provisions of subdivision (e) of said section fourteen of article thirteen of the constitution of the State of California, at the time provided in section three thousand six hundred ninety-six of the Political Code, shall fix such an ad valorem rate of taxation for said seventy-sixth fiscal year upon each one hundred dollars in value of taxable property, upon all the property of the State of California not exempt from taxation under the law and subject to taxation for state purposes on the seventh day of November in the year one thousand nine hundred ten, as, after allowing five per cent for delinquencies, will raise for said seventy-sixth fiscal year the amount of said deficiency.

Sum to be raised for 76th fiscal year.

Ad valorem tax.

SEC. 3. Any tax so levied and collected to meet a deficiency in state revenues for either of said fiscal years shall be assessed, levied and collected on all property in the state, not exempt from taxation, including the classes of property enumerated in section fourteen of article thirteen of the constitution of this state, under the provisions of the Political Code relating to the assessment, levy and collection of state and county taxes as said provisions were in force on the seventh day of November in the year one thousand nine hundred ten.

Tax to meet deficiency levied on all property.

SEC. 4. This act, inasmuch as it provides for a tax levy for the usual current expenses of the state, shall, under the provisions of section one of article four of the constitution of the State of California, take effect immediately.

In effect immediately.

CHAPTER 233.

An act to amend an act entitled "An act to establish standards for the packing, marketing and sale of apples, forbidding the sale of certain infected and diseased apples, providing for the inspection and certification thereof, and for its enforcement, fixing penalties for its violation and repealing an act entitled 'The standard apple act of 1917,' approved May 7, 1917, as amended," approved June 3, 1921.

[Approved May 26, 1923.]

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

Stats. 1921,
p. 1169,
amended.

SECTION 1. An act entitled "An act to establish standards for the packing, marketing and sale of apples, forbidding the sale of certain infected and diseased apples, providing for the inspection and certification thereof, and for its enforcement, fixing penalties for its violation and repealing an act entitled 'The standard apple act of 1917,' approved May 7, 1917, as amended," approved June 3, 1921, is hereby amended to read as follows:

Title of act.

Section 1. This act shall be known and for any and all purposes may be designated and referred to as "The California standard apple act."

Standard grades.

SEC. 2. The following standard grades and standard box are hereby established for apples, packed, shipped, delivered for shipment, offered for sale or sold, in the State of California.

"Extra fancy."

(a) The "Extra fancy" grade shall consist of well-grown, properly matured apples of one variety; hand picked, well colored and normally shaped for the locality where produced, uniform in size, well packed, in clean standard boxes, and shall be free from insect pests, diseases, visible rot, visible dry rot, visible Baldwin spot, insect bites, bruises, skin punctures, skin broken at stem and other defects, except such bruises as are necessarily caused in the operation of packing, and virtually free from dirt; *provided, however*, that russetting confined within the basin of the stem shall be permitted and that a variation from the said standard as to insect pests, diseases, dry rot, Baldwin spot, insect bites, bruises and other defects shall be allowed not to exceed ten per cent total thereof, in any one package, and not to exceed five per cent of any one thereof, in any one package; *provided, further*, that a variation in the size of the apples shall be allowed, not to exceed three-eighths of one inch when measured through the widest portion of cross-section thereof.

"Fancy."

(b) The "Fancy" grade shall consist of well-grown, properly matured apples of one variety, hand picked, normally shaped for the locality where produced, well packed, uniform in size and shall be free from insect pests, diseases, visible rot, visible dry rot, visible Baldwin spots, insect bites, skin punctures, skin broken at stem bruises and other defects, (except

such bruises as are necessarily caused in the operation of packing), and virtually free from dirt; *provided*, that smooth caterpillar bites, which on any one apple and in the aggregate shall not exceed one-half of one inch in diameter, slight limb rubs and not to exceed two healed-over case-bearer or aphid stings on each apple, slight sunspots and slight flyspeck fungus, and scab spots which on any one apple and in the aggregate shall not exceed one-fourth of one inch in diameter, russeting which is not excessively rough, and which does not appear on more than twenty-five per cent of the surface of any one apple in the aggregate shall be permitted in this grade; *provided, further*, that a variation in size of the apples in each package, shall be allowed not to exceed three-eighths of one inch when measured through the widest portion of the cross-section thereof; *and provided, further*, that a variation from said standard as to the pests, diseases and defects above mentioned as forbidden, shall be permitted, not to exceed ten per cent total thereof, nor to exceed five per cent of any one thereof, in any one package; *and provided, further*, that apples slightly soiled, and or slightly dirty shall be permitted in this grade.

(c) The "C" grade shall consist of properly matured apples ^{"C grade."} of one variety, hand picked, well packed, uniform in size, free from insect pests, visible rot, visible dry rot, visible Baldwin spots, and other diseases, and from broken skin, sun scald, and frost bite, more than skin deep; *provided*, that scab spots on any one apple not larger than one-half of one inch in diameter in the aggregate, and apples showing blossom end cracks, shall be permitted in this grade; *provided, further*, that a variation from said standard as to such insect pests, dry rot, Baldwin spots, diseases and defects, shall be allowed not to exceed ten per cent total thereof in any one package, nor to exceed five per cent of any one thereof; *and provided, further*, that a variation in the size of the apples shall be allowed not to exceed three-eighths of one inch when measured through the widest portion of the cross-section thereof.

(d) The standard container shall be a box of the following ^{Standard container.} dimensions, inside measurements, when measured without distention of parts: Depth of end ten and one-half inches; width of end eleven and one-half inches; length of box eighteen inches, and having a cubical content of as nearly as possible two thousand one hundred seventy-three and one-half cubic inches.

(e) All packed apples, when shipped, offered for sale or sold, shall be placed in the standard box herein described; ^{Irregular container.} *provided, however*, that other size containers may be used (except where the words "Extra fancy" are used as the grade designation) if conspicuously marked in letters not less than one-half inch high "irregular container."

SEC. 3. Every packed container of apples shipped, ^{Statement on container.} delivered for shipment, offered for sale or sold, in the State of California, shall bear upon the outside thereof, and on the end, in plain words or figures and in the English language, the

following: The grade of the apples therein contained, as herein defined; the designation of grade, when the stamps hereinafter provided for are not used, being stated in letters not smaller than thirty-six point type, that is, not less than one-half inch in height; the number of apples contained in the package, or the minimum net weight of the apples contained therein; the variety of the apples contained in the package, unless the variety be unknown to the packer, in which case the variety shall be stated as unknown; the name and business address of the person, firm, company, organization or corporation, who first packed or caused the same to be packed, and if repacked, the name and business address of the person, firm, company, organization or corporation who repacked the same or caused same to be repacked; the date when such apples were first packed, or if repacked, the date of repacking, and on each container of apples which have been held in cold storage for more than fifteen days after being packed a statement showing the fact that the contents have been held in cold storage; *provided, however*, that a variation of five apples, more or less, than the number stated, shall be allowed.

Definitions.

(a) The term "packed," whenever used in this act, shall be construed to mean the regular, compact arrangement of all or a part of the fruit in any container; the term "well packed," whenever used in this act, shall be construed to mean the regular, compact arrangement of all of the fruit in any container, the fruit being compacted with sufficient solidity so that it will not move in the container when lidded, the top and the bottom of the box, when lidded, having a bulge of not less than one-half inch and not more than three-fourths of an inch, and, where wrappers are used, all of the apples in the box being wrapped, with the exception of the bottom layer, which may be "flagged." The term "flagged" shall be construed to mean the incomplete covering of the apples by the use of wrappers which are not closed.

Size of apples.

(b) The terms "three and one-half tier," "four tier," "four and one-half tier" and "five tier," whenever used as the designation of the size of apples sold or offered for sale, shall have the following meanings, respectively, to wit:

The term "three and one-half tier" shall mean an apple larger in size than three and one-eighth inches when measured through the widest cross-section thereof; the term "four tier" shall mean an apple larger in size than two and five-eighths inches and not larger than three and one-eighth inches, when so measured; the term "four and one-half tier" shall mean an apple not smaller in size than two and one-fourth inches nor larger than two and five-eighths inches, when so measured; the term "five tier" shall mean an apple not smaller in size than one and seventh-eighths inches nor larger than two and one-fourth inches, when so measured.

(c) The term "cross-section," whenever used in this act, shall mean the section of an apple taken at a right angle to

a straight line drawn from the stem end to the blossom end thereof.

(d) When the size of the apples in any container shall be designated by the terms "three and one-half tier," "four tier," "four and one-half tier," or "five tier," at least ninety-five per cent of the apples in each such container shall conform to the definition of the tier marking used, as herein defined, and no apples in the container shall be smaller than the size next smaller, as herein defined.

SEC. 4. No person, firm, company, organization or corporation shall sell or offer for sale, within the State of California, any apples labeled, designated, invoiced or represented to be, of "Extra fancy," "Fancy" or "C" grade, whether contained in closed packages or otherwise, unless the same shall conform to the standard for such grade herein established.

Apples to conform to standard.

SEC. 5. Except as in this act expressly permitted, no person, firm, company, organization or corporation shall import into this state or sell, barter, offer for sale or have in his possession for sale any apples infected with any insect pest or the pupae or larvae thereof or any disease, and whenever apples are sold or kept or offered for sale, loose in the container, or are not so arranged as to comply with the definition of the term "well packed," as herein defined, then the container must be marked on the outside thereof, in the English language and in letters not less than one-half inch in height, with the words "Unclassified apples;" *provided, however,* that this section shall not be construed to prevent a grower of fruits in the State of California from selling the same unpacked and unmarked, and so infected, as a part of his crop in bulk, to a packer, or to prevent a grower or packer from manufacturing the same into any apple by-product or from selling the same unpacked and unmarked to any person, firm, company, organization or corporation actually engaged in the operation of an apple by-product factory, and for the express purpose of being used in the manufacture of an apple by-product.

Sale of infected apples.

SEC. 6. No statement, figure, design or device appearing upon any container in which apples are sold, bartered, or offered for sale, or in which apples are packed for sale or shipment, or upon the brand or lining of any such container, or upon the wrapper of any apple therein contained, or upon any sign or placard used in connection therewith and having reference to the apples contained, shall be false or misleading; in any particular. The words "Extra fancy" shall not be used with reference to any apples the grade of which does not conform to the standard for "Extra fancy" grade as in this act defined; and the word "Fancy" shall not be used with reference to any apples the grade of which does not conform to the standard for "Fancy" grade as in this act defined; nor shall the letter "C." as an indication of grade, or quality, be used with reference to any apples the grade of which does not conform to the standard for "C" grade as in this act defined.

Misleading statements

Powers of
director of
agriculture in
enforcing act.

SEC. 7. The director of agriculture of the State of California shall be charged with the enforcement of the provisions of this act, and for that purpose shall have the power:

(a) To enter and to inspect every place within the State of California where apples are produced, packed, stored, shipped, delivered for shipment, offered for sale or sold, and to inspect such places and all apples and apple containers and equipment found in any such place.

(b) To provide a uniform method of stamping, or otherwise marking or identifying packages of apples which have been inspected by him or his deputies or inspectors; such method when once provided shall not be changed during that fiscal year, but with this exception, may be varied from time to time as he may determine.

(c) In accordance with the provisions of the civil service law of this state, to appoint, superintend, control and discharge such chief inspectors and subordinate inspectors as in his discretion may be deemed to be necessary, for the special purpose of enforcing the terms of this act, to prescribe their duties, and, in conjunction with the board of control, to fix their compensation.

(d) Personally, or through any deputy or any such inspector, to seize and retain possession of, any apples or apple containers packed, shipped, delivered for shipment, offered for sale, or sold, in violation of any of the provisions of this act.

(e) In the name of the people of the State of California to cause to be instituted and to prosecute, in the superior court of any county or city and county, of the State of California in which apples packed, shipped, delivered for shipment, offered for sale or sold, in violation of any of the provisions of this act, may be found, an action or actions for the condemnation of apples as provided in section thirteen of this act.

(f) The director of agriculture, at the request of any person interested, personally, or by his duly appointed deputies or inspectors, may inspect any package or lot of apples and at the request of any person interested may issue a certificate stating the fact and the quality and condition of the package or lot of apples so inspected. Such certificate shall be received in evidence in all of the courts of the State of California as prima facie proof of the truth of the statements therein contained. For such inspection certificate, when the apples have theretofore been inspected by him, or by any of his deputies, or inspectors, the director of agriculture may charge and collect such fee as he may determine to be reasonable; *provided*, that such fees shall be uniform for each fiscal year.

(g) From time to time to establish, promulgate and enforce such reasonable and uniform rules and regulations, not in conflict with any of the provisions of this act, as he may deem to be proper for the conduct of inspectors, the inspection of fruit, the use of stamps, marks or other designation, the form of, and the collection of fees for, certificates and the charges to

be made hereunder for the use of such stamps, marks or other designation.

SEC. 8. For the privilege of affixing to or using upon any container of apples the stamp, mark or other designation provided by the director of agriculture to identify apples which have been inspected as provided by section seven of this act, there shall be paid to said director such sum as he may determine hereunder, not to exceed three-fourths of one cent for each container bearing such stamp, mark or other designation. No such stamp, mark or other designation, so provided by the director of agriculture, shall be affixed to or used upon any container of apples, the contents of which have not been inspected, or which is not one of a unit of like containers so inspected. All moneys received by the director of agriculture for certificate fees, or for such privileges, shall be paid over to the treasurer of the State of California, who shall deposit the same to the credit of the standard apple fund, which fund is hereby created to be used exclusively for the payment of the expenses of enforcing the provisions of this act, and to be paid out only upon claims approved by the director of agriculture and by the board of control. Subject to the approval of the board of control, one thousand dollars of the standard apple fund may be used as a revolving fund for the purposes of carrying out the provisions of this act.

Fee for affixing stamp.

Disposition of fees.

SEC. 9. The inspectors appointed by the director of agriculture of California, as in section seven hereof provided, shall be citizens of the United States, and of the State of California, not less than twenty-one years of age, shall be skilled in the inspection of apples, and have a thorough knowledge of insect pests and diseases commonly preying upon and other defects found in or upon such fruit; they shall have power to enter and to inspect every place within the State of California where apples are produced, packed, stored, shipped, delivered for shipment, offered for sale or sold, and to inspect all such places and apples and apple containers and the equipment found in any such place; and shall perform such other duties as may be prescribed by the director of agriculture of California, or by law.

Qualifications of inspectors.

The said director of agriculture shall assign such inspectors to such territory, within the state, as he may see fit; *provided*, that when for any year the moneys paid in for certificates and for the privilege of using the said stamps, marks, or other designations, by packers in any town, city or district, shall yield a sum of money sufficient to pay the expense thereof, such director of agriculture shall assign one inspector or more for special duty in such town, city or district, during the packing season of that year, or for a longer period, if deemed to be necessary.

SEC. 10. It shall be the duty of each of such inspectors to enforce the provisions of this act and to cause the prosecution of any person, company, firm, corporation or organization,

Duties of inspectors.

whom he knows or has reason to believe to be guilty of the violation of any of its provisions. Every inspector, in the performance of his duties, shall have the same powers possessed by peace officers under the laws of the State of California.

Repacking.

SEC. 11. No container to or on which is attached or affixed any such stamp or mark or on which shall appear the designation of grade as "extra fancy," "fancy" or "C" grade, shall be used as the container of any apples, other than those originally packed therein, until such stamp or grade designation has been removed; *provided*, that when apples are repacked, without the addition of new stock other than stock of the same grade and from the same lot of which the package or packages repacked is or are a part, the same containers may be used without removing the stamps, marks or grade designations.

Right of inspection.

SEC. 12. No person, firm, company, organization, or corporation, shall refuse to permit the director of agriculture of California, or any of his duly appointed deputies, or any inspector duly appointed by said director of agriculture under the provisions of this act, to enter or to inspect any place within the State of California where apples are produced, packed, stored, shipped, delivered for shipment, offered for sale or sold, or to inspect such places, or any apples or apple containers or any equipment found therein.

Penalties.

SEC. 13. Any person, firm, company, organization or corporation, who shall violate any of the provisions of this act shall be punishable by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

Seizure of apples illegally packed.

SEC. 14. Any apples packed, shipped, stored, delivered for shipment, offered for sale or sold, in violation of any of the provisions of this act, and the containers in which they may be, shall be deemed to be a public nuisance, may be seized by said director of agriculture, his deputies or any inspector appointed as herein provided, and by order of the superior court of the county, or city and county, within which the same may be found, shall be condemned and destroyed, or released upon such conditions as the court, in its discretion may impose, to insure that they will not be packed, shipped, delivered for shipment, offered for sale or sold in violation of any of the provisions of this act.

Common carrier may refuse to accept shipments.

SEC. 15. It shall be lawful for any person, firm, company, corporation or organization and for any common carrier to refuse to accept for shipment or transportation, and to refuse to ship or to transport, any apples which upon inspection are found to be or to be packed in violation of any of the provisions of this act, and any such person, firm, company, corporation, organization or common carrier, may reserve the right in any receipt, bill of lading or other writing given to the consignor thereof, to reject for shipment or transportation and to return to such consignor, or to hold at the expense and risk of the latter, all apples which upon inspection are

found to be or to be packed in violation of any of the provisions of this act.

SEC. 16. No person, firm, company, organization or corporation, shall be convicted of a violation of any provisions of this act, if he shall establish a guaranty, signed by the person, firm, company, organization or corporation residing or lawfully engaged in business in the State of California, by or for whom the apples in question were originally packed, or repacked, to the effect that the apples, container, brand and label in question comply in all respects with the provisions of this act, and in addition, shall establish that the same are in substantially the same condition, in every respect, as they were when they were delivered out of the possession of such packer, and that the accused was not aware that such apples, container, brand or label, were or was in any respect in violation of any provisions of this act. The signature to such guaranty may be printed, when done by the authority of the signer. To afford protection, such guaranty, in form and substance, must be substantially as follows:

“The undersigned guarantees that (this box or other pack-
age of apples or the boxes or other packages of apples
mentioned in this, or the attached invoice, or all boxes or
other packages of apples packed or repacked by the under-
signed), comply in all respects with the California standard
apple act. (Signature of packer, with statement as to whether
packer is firm, company, organization or corporation and
business address.)”

Where the guaranty is used on each separate box, it may consist of the legend, “guaranteed by the packer, under the California standard apple act,” printed, stamped or written on the labeled or branded end of the package.

SEC. 17. It shall be the duty of the district attorney of the county, or city and county, in which any violation of this act may occur, to prosecute every person, firm, company, organization and/or corporation accused of such violation, and also, at the request of the director of agriculture, or any one of his deputies, to institute and prosecute such actions for condemnation as may be authorized under the provisions of this act.

SEC. 18. No act which is made unlawful by any provision of an act of the legislature of the State of California, entitled, “An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors, and drugs and making an appropriation therefor,” approved March 11, 1907, or any amendment thereto, shall be deemed lawful by reason of any provision of this act; nor shall this act be construed in any respect to limit the powers of the state board of health.

SEC. 19. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining

portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

CHAPTER 234.

An act to amend sections one, two, three, four, five, six, eight, nineteen, twenty-one and twenty-six of an act entitled "An act to provide for and regulate municipal elections in cities of the fifth and sixth class," approved May 27, 1919.

[Approved May 26, 1923.]

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

Stats. 1919,
p. 928,
amended.

SECTION 1. Section one of an act entitled "An act to provide for and regulate municipal elections in cities of the fifth and sixth class," approved May 27, 1919, is hereby amended to read as follows:

Elections in
cities of
5th and 6th
class.

Section 1. All municipal elections in cities of the fifth and sixth class shall be held and conducted in accordance with the provisions of this act, including elections to fill public offices and elections on any questions or propositions.

Stats. 1919,
p. 928,
amended.

SEC. 2. Section two of the above entitled act approved May 27, 1919, is hereby amended to read as follows:

Notice of
election.

Sec. 2. Not earlier than the sixtieth day nor later than the twentieth day before any such election, the city clerk shall cause a notice of the same to be published at least once in one or more newspapers published and circulated in such city. Said notice shall be headed "Notice of election," and shall contain a statement of the time of the election, the offices to be filled thereat (specifying full term or short term, as the case may be), propositions to be voted on, if any, and briefly, a general description of the voting precincts and location of the polling places. In case there is no newspaper published and circulated in such city, said notice shall be typewritten and copies thereof posted conspicuously within said time in at least three public places in said city. Said notice shall be substantially in the following form:

NOTICE OF ELECTION.

Form.

Notice is hereby given that a ----- municipal election will be held in the ----- of ----- on -----, the ----- day of -----, 19--, for the following officers: (name them). (In case there are any propositions to be submitted, insert the following clause.) The following propositions will be submitted at said election: (give brief synopsis of same). There will be ----- voting precincts for the purpose of holding said election, consisting of a consolidation of the regular election precincts established

for holding state or county elections, as follows: Consolidated voting precinct "A," comprising state and county precincts numbers -----, and -----, and the polling place thereof shall be at (stating place); consolidated voting precinct "B," comprising state and county election precincts numbers -----, and -----, and the polling place thereof shall be at (stating place). The polls will be open between the hours of ----- m. and ----- m.

City clerk.

Dated, -----

SEC. 3. Section three of the above entitled act approved May 27, 1919, is hereby amended to read as follows: Stats. 1919,
p. 929,
amended.

Sec. 3. The voting precincts for such municipal elections shall consist of a consolidation of any two or more of the regular election precincts established for state or county elections. Precincts.

SEC. 4. Section four of the above entitled act approved May 27, 1919, is hereby amended to read as follows: Stats. 1919,
p. 929,
amended.

Sec. 4. For every such municipal election the board of trustees shall appoint one inspector, one judge and two clerks as election officers to have charge of such election in and for each such consolidated voting precinct. The board of trustees may, in their discretion, advertise for election officers, or they may appoint such officers from the register of applicants for such positions on file with the county clerk; *provided*, other things being equal, preference shall be given for ability and previous experience. Each election officer must be an elector and a resident of the consolidated voting precinct for which he is appointed. Said election officers shall receive such compensation as the board of trustees may deem just. Election
officers.

SEC. 5. Section five of the above entitled act approved May 27, 1919, is hereby amended to read as follows: Stats. 1919,
p. 929,
amended.

Sec. 5. Candidates may be nominated for any of the elective offices of such city in the manner following: Nomination
of candi-
dates.

Not earlier than the sixtieth day nor later than twelve o'clock noon on the twentieth day before a municipal election, the electors may nominate candidates for such election by signing a nomination paper such as hereinafter set forth. Each candidate shall be proposed by not less than five nor more than ten qualified electors, but only one candidate shall be named in any one nomination paper. No elector may sign more than one nomination paper for the same office, but each seat on the board of trustees shall be deemed a separate office. Any person or persons may circulate a nomination paper. Where there are full terms and short terms to be filled, the same must be so specified.

The signatures to each nomination paper shall all be appended on the same sheet of paper and each signer shall add thereto his occupation, date and place of residence (giving the street and number (if such there be) otherwise such designation of his place of residence as will enable the location

to be readily ascertained). All such nomination papers shall be filed with the city clerk not later than twelve o'clock noon on the twentieth day before such election, and shall have annexed thereto an affidavit of the person who circulated the same to the effect that he saw all the signatures appended thereto and knows that they are the bona fide signatures of the persons whose names they purport to be. Each nomination paper shall also be accompanied by a verified statement of the candidate that he will accept the nomination, and also accept the office in the event of his election. Said nomination papers and affidavits shall be substantially in the following form:

NOMINATION PAPER.

Form of nomination paper.

We, the undersigned electors of the city of _____
 _____ hereby nominate _____
 _____ for the office of _____
 of said city.

Name	Occupation	Date	Residence
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----

AFFIDAVIT OF CIRCULATOR.

State of California }
 County of _____ } ss.

_____ being duly sworn deposes and says: That he circulated the foregoing petition and saw all the signatures appended thereto and knows that they are the bona fide signatures of the persons whose names they purport to be.

Subscribed and sworn to before me the _____ day of _____, 19____.

 Notary public in and for the county of _____, State of California.

AFFIDAVIT OF NOMINEE.

State of California }
 County of _____ } ss.

_____ being duly sworn, says that he is the above named nominee for the office of _____, and that he will accept said office in the event of his election.

Subscribed and sworn to before me this-----
day of-----, 19----

Notary public in and for the
county of-----,
State of California.

SEC 6. Section six of the above entitled act approved May 27, 1919, is hereby amended to read as follows: Stats 1919, p. 930, amended.

Sec. 6. It shall not be necessary to print or send out sample ballots or polling place cards for such election, but, in case of an election to fill offices, the city clerk shall publish a list of the names of the nominees, in alphabetical order and the respective offices for which they have been nominated at least twice before the day of election in one or more daily or weekly newspapers published in such city. Said list shall be headed, "Nominees for public office," in conspicuous type, and be substantially in the following form: Publication of names of nominees.

NOMINEES FOR PUBLIC OFFICE.

Notice is hereby given that the following persons have been nominated for the offices hereinafter mentioned to be filled at the general municipal election to be held in the city of -----, on -----, the -- day of -----, 19----. (Here follow with the list of nominees, also a synopsis of any propositions to be voted on. Form of notice.

Dated, -----

City clerk.

In case of an election on any question or proposition, he shall publish a notice thereof twice as aforementioned, containing a synopsis of the question or proposition.

SEC. 7. Section eight of the above entitled act approved May 27, 1919, is hereby amended to read as follows: Stats. 1919, p. 941, amended.

Sec. 8. All official ballots shall have the names of the candidates printed thereon in a column three inches in width, three-eighths of an inch apart, and having below the printed list, the necessary blank space or spaces to permit the elector to write in the name or names of other persons not printed on the ballot. The names shall be printed on the ballot in alphabetical order. When there are full terms and short terms to be filled, the same must be so specified. Ballots.

Each group of candidates to be voted on shall be headed by the designation of the office and the words "Vote for one" or "Vote for two," or more as the case may be, according to the number to be elected to such office. On the top of the face of the ballot the following directions shall be printed:

INSTRUCTIONS TO VOTERS.

To vote for a candidate of your selection, stamp a cross (X) in the voting square next to the right of the name of Instructions to voters.

such candidate. Where two or more candidates for the same office are to be elected, stamp a cross (X) after the name of all the candidates for that office for whom you desire to vote not to exceed, however, the number of candidates who are to be elected. If the ballot does not contain the names of candidates for all offices for which you may desire to vote, you may vote for candidates for such offices so omitted by writing the name of the candidate for whom you wish to vote in the blank space left for that purpose. To vote for a person not on the ballot, write the name of such person under the title of the office in the blank space left for that purpose.

To vote on any question, proposition or constitutional amendment, stamp a cross (X) in the voting square after the word "Yes" or after the word "No." All marks, except the cross (X) are forbidden. All distinguishing marks or erasures are forbidden and make the ballot void.

If you wrongly stamp, tear or deface this ballot, return it to the inspector of election and obtain another.

A separate parallel column three inches in width shall be provided for any questions or propositions to be submitted at such election. The right side of each column shall be set off by a light vertical line so as to form three-eighth inch squares or voting spaces.

Printing,
etc., of
ballots.

The ballots shall be printed on tinted paper containing a water-marked design, and they shall be kept secret from all persons not engaged in the preparation of the ballots until the day of election. The printing, perforating, padding, numbering, and amount of the ballots, and the kind of type used in printing the same, shall be substantially the same, as nearly as may be, as is used for the preparation of ballots for state and county elections, except as may be otherwise herein provided.

Stats. 1919,
p. 933,
amended.

Spoiled
ballot.

Sec. 8. Section nineteen of the above entitled act approved May 27, 1919, is hereby amended to read as follows:

Sec. 19. Any voter who shall spoil a ballot shall return the same to the inspector and obtain another. The inspector shall thereupon cancel the spoiled ballot by drawing two crossed lines over the face thereof in ink or indelible pencil.

Stats. 1910,
p. 933,
amended.

Defacing
unused and
spoiled
ballots.

Sec. 9. Section twenty-one of the above entitled act approved May 27, 1919, is hereby amended to read as follows:

Sec. 21. Immediately upon the closing of the polls, and before opening the ballot box and proceeding to count the ballots, the inspector shall deface all the unused and spoiled ballots by drawing a cross upon the face thereof, in ink or indelible pencil, said cross to be more than three inches square; and all spoiled and unused ballots shall be placed within and sealed in an envelope before the ballot box is opened.

Stats. 1919,
p. 934,
amended.

Tallies.

Sec. 10. Section twenty-six of the above entitled act approved May 27, 1919, is hereby amended to read as follows:

Sec. 26. Each clerk must write down each office to be filled, and the name of each person marked in each ballot as

voted for, to fill such office, and keep the number of votes by tallies, as they are read aloud. Such tallies must be made with pen and ink or indelible pencil as the name of each candidate voted for is read aloud from the respective ballot, and immediately upon the completion of the tallies the clerks who respectively complete the same must draw two heavy lines in ink or indelible pencil from the last tally mark to the end of the line in which such tallies terminate, and also write the initials of the person making the last tally in such line. The ballot so read and the tally sheet so kept must, during the reading and tallying, be within the clear view of watchers at the count.

CHAPTER 235.

An act to amend sections fifty-one and fifty-two of the Civil Code.

[Approved May 28, 1923.]

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

SECTION 1. Section fifty-one of the Civil Code is hereby amended to read as follows:

51. All citizens within the jurisdiction of this state are entitled to the full and equal accommodations, advantages, facilities and privileges of inns, restaurants, hotels, eating houses, places where ice cream or soft drinks of any kind are sold for consumption on the premises, barber shops, bath houses, theaters, skating rinks, public conveyances and all other places of public accommodation or amusement, subject only to the conditions and limitations established by law, and applicable alike to all citizens.

Rights of citizens in places of public accommodation or amusement.

Sec. 2. Section fifty-two of the Civil Code is hereby amended to read as follows:

52. Whoever denies to any citizen, except for reasons applicable alike to every race or color, the full accommodations, advantages, facilities, and privileges enumerated in section fifty-one of this code, or who aids, or incites, such denial, or whoever makes any discrimination, distinction or restriction on account of color or race, or except for good cause, applicable alike to citizens of every color or race whatsoever, in respect to the admission of any citizen to, or his treatment in, any inn, hotel, restaurant, eating house, place where ice cream or soft drinks of any kind are sold for consumption on the premises, barber shop, bath house, theater, skating rink, public conveyance, or other public place of amusement or accommodation, whether such place is licensed or not, or whoever aids or incites such discrimination, distinction or restriction, for each and every such offense is liable in damages in an amount not less than one hundred dollars, which may be recovered in an action at law brought for that purpose.

Damages recoverable for violation of personal rights.

CHAPTER 236.

An act to amend section nine hundred twenty-seven a of the Code of Civil Procedure, relating to the small claims court.

[Approved May 28, 1923.]

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

SECTION 1. Section nine hundred twenty-seven a of the Code of Civil Procedure is hereby amended to read as follows:

Commence-
ment of
action.

927a. Actions shall be commenced, heard and determined in the small claims courts under the provisions of this title whenever any person appears before any justice of the peace or the justices' clerk or deputy clerk of said justice court and executes an affidavit substantially in the form set forth in section nine hundred twenty-seven b of this title.

CHAPTER 237.

An act to amend section seven hundred ninety-nine of the Political Code, relating to official bond.

[Approved May 28, 1923.]

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

SECTION 1. Section seven hundred ninety-nine of the Political Code is hereby amended to read as follows:

Official bond
of notary.

799. Each notary public must execute an official bond in the sum of five thousand dollars, which bond must be approved by a judge of the superior court of the county in which said notary is commissioned to act. After approval the said bond must be recorded in the office of the county recorder and then filed and kept in the office of the county clerk.

CHAPTER 238.

An act to amend section two hundred eight of the Penal Code, relating to kidnaping.

[Approved May 28, 1923.]

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

SECTION 1. Section two hundred eight of the Penal Code is hereby amended to read as follows:

Punishment
of kidnaping.

208. Kidnaping is punishable by imprisonment in the state prison not less than one nor more than twenty-five years.

CHAPTER 239.

An act to add a new section to the Political Code to be numbered four thousand forty-one g, relating to powers of supervisors.

[Approved May 28, 1923.]

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

SECTION 1. A new section is hereby added to the Political Code to be numbered four thousand forty-one g, and to read as follows:

4041g. The boards of supervisors in the several counties shall have and are hereby given the power to regulate or to prohibit and prevent within their respective counties the sale and use of fireworks, firecrackers, torpedoes and other pyrotechnics and the unnecessary firing and discharge of firearms on or into the highways and other public places and to pass all necessary ordinances regulating or forbidding the same.

Sale and use
of fireworks.

CHAPTER 240.

An act to amend section seven of an act entitled "An act to form agricultural districts to provide for the formation, organization and powers of agricultural associations therein, and for the management and control of the same by the state, and repealing all acts and portions of acts in conflict with this act," approved April 17, 1909.

[Approved May 28, 1923.]

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

SECTION 1. Section seven of an act entitled "An act to form agricultural districts to provide for the formation, organization and powers of agricultural associations therein, and for the management and control of the same by the state, and repealing all acts and portions of acts in conflict with this act," approved April 17, 1909, is hereby amended to read as follows:

Stats. 1909,
p. 982,
amended.

Sec. 7. Each association so formed and organized is hereby declared, and shall be recognized as, a state institution, and shall be known and designated by the name of _____ district agricultural association, and by such name and style shall have perpetual succession, and shall have power to contract, to sue and be sued, to have a seal, to purchase, hold and lease real estate and personal property, and may lease any portion of said real estate for the purpose of building museums and colosseums thereon, and may sell, beautify, improve and dispose of the same, and do any and all acts and things necessary and proper to carry out the powers above enumerated and the objects and purposes for which said associations are formed.

Name of
association
and powers.

They shall have power to provide for a fair, exposition or exhibition of all of the industries and industrial products in the district and state, including horse races and speed contests and training horses therefor, at such time and place as they deem advisable; *provided, however,* the state shall not in any event be liable for any premium offered or award made, or on account of any contract made, by any district board of agriculture or agricultural association.

The board shall also have power to make all necessary by-laws, rules and regulations for the government of the association, and may fix the term of office and the bonds required of the secretary and treasurer, and determine their salaries and duties. The board of directors of said association shall, in the name of the state, have possession and care of the property of the association and manage its affairs.

CHAPTER 241.

An act providing for a comprehensive study of the state highway system of the State of California and providing for the appointment of an advisory committee to cooperate in making a study for the purpose of making a recommendation for the extension or reduction of the state highway system and for future financing of the same.

[Approved May 28, 1923.]

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

State highway system, cost of construction, extension, etc.

SECTION 1. WHEREAS, The State of California, through the electors, approved in 1909 an issue of bonds to the extent of eighteen million dollars which was expended by the state highway commission in the construction of a system of state highways, and

WHEREAS, The State of California, through the electors, approved in 1915 an additional issue of bonds to the extent of fifteen million dollars for the purpose of improving the system of state highways, at which time certain additional highways were added to the state highway system as laid out under the provisions of the state highways act of 1909, and

WHEREAS, The State of California, through the electors, approved in 1919 a further additional issue of bonds to the extent of forty million dollars, which was to be devoted to the completion of the state highway system as it theretofore existed, and for the construction of additional highways authorized in 1919, and

WHEREAS, From time to time by enactment of legislature, additional highways have been added to the state highway system, and

WHEREAS, The state highway system now consists of approximately six thousand four hundred miles of highways, of which less than four thousand miles has been graded and less than two thousand five hundred miles has been paved, and

WHEREAS, An audit recently made by the state board of control shows less than six million dollars remaining in the third bond issue fund which can be devoted to the completion of the state highway system, and

WHEREAS, Large amounts of money are required annually for the maintenance of the state highway system, and

WHEREAS, Still greater sums of money will be required in the near future for the reconstruction of many sections of completed highways which are inadequate to stand up under present traffic, and

WHEREAS, The amount of traffic on the state highway system has doubled in the past five years and has quadrupled since the inception of the state highway project, and

WHEREAS, The state highway engineer now estimates that two hundred million dollars will be required to complete the state highway system as it now exists in accordance with standards demanded by present traffic, and

WHEREAS, The entire problem of the location and construction of highways and the financing of same is recognized to be on a basis of uncertainty which is incompatible with the requirements of the State of California; therefore

SEC. 2. The governor of this state is hereby authorized to appoint a committee of not more than seven residents of the State of California to act in conjunction with a member of the California highway commission and the state highway engineer, for the purpose of making a complete study of the whole state highway situation for the purpose of rendering a report to the governor for the benefit of the forty-sixth session of the legislature, which report will embody their recommendation for the best methods of outlining a proper system of California state highways, together with a plan for financing the same, and such other matters as may be incidental to those herein stated. Said committee acting in conjunction with the member of the California highway commission and the state highway engineer shall investigate the general location of each of the several units of the state highway system, including both constructed and unconstructed highways, also the question as to whether they should be paved or otherwise improved, also the question as to the advisability of eliminating from the state highway system any certain road or roads, also the necessity of the acquisition of any additional road or roads to be made a part of the state highway system, also the question of methods of obtaining revenues necessary for the construction of the state highway system as outlined. The report shall include recommendation as to the rate of time at which the state highway system can be constructed and the time which it will require to bring the state highway system to a state of completion.

Committee
to investi-
gate.

SEC. 3. The committee above designated shall consist of:

- One member of the senate of the State of California;
- One member of the assembly of the State of California;
- One member of the board of control of the State of California;

Membership
of commi-
tee.

Four members at large.

Compensation.

SEC. 4. The members of the committee herein authorized to be appointed shall serve without compensation.

CHAPTER 242.

An act to amend section one thousand one hundred forty-three of the Penal Code, relating to fees of jurors.

[Approved May 29, 1923.]

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

SECTION 1. Section one thousand one hundred forty-three of the Penal Code is hereby amended to read as follows:

Jurors' fees.

1143. Jurors' fees. Payment of same The fees of jurors in the superior courts of the state, in criminal cases, shall be three dollars, in lawful money of the United States, for each day's attendance, and mileage, to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. Such fees and mileage shall be paid by the treasurer of the county, or city and county, in which the juror's services were rendered, out of the general fund of said county, or city and county, upon warrants drawn by the county auditor upon the written order of the judge of the court in which said juror was in attendance, and the treasurer of said county, or city and county, shall pay said warrants. The board of supervisors of each county, or city and county, is hereby directed to make suitable appropriation for the payment of the fees herein provided for.

Payment of same.

Repealed.

All acts and parts of acts in conflict herewith are repealed so far as the same conflict with this section.

CHAPTER 243.

An act to amend section four hundred seventy-two of the Political Code, relating to the duties of the attorney general and the appointment of assistants and deputies in such office, by authorizing the appointment of three additional deputies in such office; and making appropriation to pay the salaries of such additional deputies during the seventy-fifth and seventy-sixth fiscal years.

[Approved May 29, 1923.]

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

SECTION 1. Section four hundred seventy-two of the Political Code is hereby amended to read as follows:

Deputies of attorney general.

472. The attorney general may appoint one assistant, one chief deputy and twelve additional deputies, who shall be civil executive officers. The annual salary of the assistant shall be four thousand dollars; the annual salary of

the chief deputy shall be four thousand dollars; the annual salary of one of such additional deputies shall be four thousand dollars, the annual salary of five of such additional deputies shall be three thousand six hundred dollars each, the annual salary of five of such additional deputies shall be three thousand three hundred dollars each, and the annual salary of one of such additional deputies shall be three thousand dollars. Said salaries shall be paid at the time and in the same manner as the salaries of other state officers. The attorney general shall not employ special counsel in any case except those provided in section four hundred seventy-four of the Political Code. The attorney general shall have charge, as attorney, of all legal matters in which the state is in any wise interested, except the business of the regents of the University of California and of the state harbor commissioners, and such other boards or officers as are now by law authorized to employ attorneys, and no board, officer or officers, or employee of the state, except said regents and said harbor commissioners and such other boards and officers as are now by law authorized to employ attorneys, shall employ any attorney other than the attorney general, or one of his assistants or deputies, in any matter in which the state is interested; nor shall any money be drawn out of the treasury, or out of any moneys appropriated out of the treasury, or out of any special or contingent fund under the control of any board, officer or officers, or employee for the pay of any legal services rendered after the passage of this act, the provisions of any existing statute to the contrary notwithstanding, excepting as above provided; *provided*, that whenever a district attorney in any county of this state shall, for any reason, become disqualified from conducting any criminal prosecution within such county, the attorney general may employ special counsel to conduct such prosecution, and the attorney's fee in such case shall be a legal charge against the state; *provided, further*, that nothing herein contained shall be construed to prevent or deny the right of any board, officer, or officers or employee of the state to employ or engage counsel in any matter of the state, after first having obtained the written consent so to do of the attorney general.

Special
counsel.Duties of
attorney
general.

SEC. 2. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of nineteen thousand eight hundred dollars, to be used for the payment of the salaries of the three additional deputies provided for by this act during the seventy-fifth and seventy-sixth fiscal years.

Appropriation.

CHAPTER 244.

An act to amend section four hundred seventy-five of the Political Code, relating to clerks, phonographic reporter, service agent and stenographers of the attorney general's office, by authorizing the appointment of two additional clerks and four additional stenographers in such office; and making an appropriation to pay the salaries of such additional clerks and stenographers during the seventy-fifth and seventy-sixth fiscal years.

[Approved May 29, 1923.]

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

SECTION 1. Section four hundred seventy-five of the Political Code is hereby amended to read as follows:

Clerks, reporters, etc., of attorney general.

475. The attorney general may appoint four clerks, one phonographic reporter, one service agent, and eleven stenographers for his office. The annual salary of each of said clerks, the annual salary of the phonographic reporter, the annual salary of the service agent, and the annual salary of each of said stenographers shall be one thousand eight hundred dollars. Said salaries shall be paid at the same time and in the same manner as the salaries of other state officers are paid. The clerks, the phonographic reporter, the service agent and the stenographers shall be civil executive officers. The service agent, two clerks and four of said stenographers, to be designated by the attorney general, shall be exempt from the provisions of the state civil service act and shall hold their positions during the pleasure of the attorney general.

Appropriation.

SEC. 2. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of twenty-one thousand six hundred dollars, to be used for the payment of the salaries of the additional clerks and stenographers provided for by this act during the seventy-fifth and seventy-sixth fiscal years.

CHAPTER 245.

An act to amend section two hundred ninety-six of the Civil Code, relating to filing of articles of incorporation by the secretary of state.

[Approved May 29, 1923.]

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

SECTION 1. Section two hundred ninety-six of the Civil Code is hereby amended to read as follows:

Articles of incorporation.

296. Upon the filing of articles of incorporation in the office of the secretary of state, and the affidavit mentioned in the last section where such affidavit is required, the secretary of state must issue to the corporation, over the great seal of

the state, a certificate that the original articles containing the required statement of facts have been filed in his office, and thereupon the persons signing the articles and their associates and successors shall be a body politic and corporate by the name stated in the certificate, and for the term of fifty years, unless it is, in the articles of incorporation, otherwise stated, or in this code otherwise specially provided; *provided, however*, that no corporation shall be authorized to transact any business until it shall have filed in the office of the county clerk of the county in which its principal business is to be transacted, a copy of the articles of incorporation certified by the secretary of state; *provided, further*, that the secretary of state shall not file the original articles of incorporation, or issue any certified copy thereof, or issue any certificate of incorporation to any corporation which articles set forth the corporate name of any corporation heretofore organized in this state or of any foreign corporation which has qualified to do business in this state, or which articles set forth a name so closely resembling the name of such other corporation as will tend to deceive. The secretary of state shall issue and file in his office a duplicate of the certificate hereinabove provided for and copies thereof, duly certified by the secretary of state, shall have the same force and effect in evidence as the original.

Corporate names must not be imitated nor closely duplicated.

CHAPTER 246.

An act to amend section four hundred sixty-eight of the Civil Code of the State of California, providing for the construction and operation of railroads.

[Approved May 20, 1923.]

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

SECTION 1. Section four hundred sixty-eight of the Civil Code of the State of California is hereby amended to read as follows:

468. Every railroad corporation must, within two years after filing its original articles of incorporation, begin the construction of its road, and must every year thereafter complete and put in full operation at least five miles of its road, until the same is fully completed; and upon its failure so to do, for the period of one year, its right to extend its road beyond the point then completed is forfeited. After the completion of any railroad, or any part thereof, capable of being operated, its owner must operate it, and upon his failure to keep it, or any part thereof, in full operation for the period of six months, his right to operate it in whole or in part, as the case may be, is forfeited, and the lands occupied for the purposes of the road, so far as the same is not operated, revert to the original owners or their successors in interest. A railroad is in full operation when one passenger train, or one mixed train, is run over it once a day in each direction and a sufficient number of

Construction of road.

Failure to operate.

Reverter.

Exceptions.

freight trains to accommodate the traffic on the road. If a railroad is wholly constructed at an elevation of five thousand feet or more above the level of the sea, its owner is not required to maintain and operate it, nor to run passenger or other trains thereon, between the fifteenth of October of any year and the fifteenth of May of the year following. This section must not be construed to require the operation of a road when prevented by the act of God, nor when the operation of the road, together with its branch and trunk lines, does not yield income sufficient to defray the expenses of maintaining and operating it in connection with its branch and trunk lines. The railroad commission of California has the power to examine and determine whether a railroad, together with its branch and trunk lines, yields income sufficient to operate the same.

Authority for discontinuance.

The railroad commission of California shall also have full power and authority to authorize the discontinuance of operation in whole or in part of any branch line of railroad for such period of time and upon such conditions as the railroad commission may in its discretion determine, without forfeiture of the right to operate the same.

CHAPTER 247.

An act to repeal an act entitled "An act appropriating money for the support of extension courses by the University of California," approved June 3, 1921.

[Approved May 29, 1923.]

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

Stats. 1921,
p. 1380,
repealed.

SECTION 1. An act, entitled "An act appropriating money for the support of extension courses by the University of California," approved June 3, 1921, is hereby repealed, except as to claims for expenditures incurred in accordance with law prior to June 30, 1923.

CHAPTER 248.

An act to amend section two thousand eight hundred ninety-three of the Political Code, relative to toll ferries.

[Approved May 29, 1923.]

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

SECTION 1. Section two thousand eight hundred ninety-three of the Political Code is hereby amended to read as follows:

Duty of board of supervisors.

2893. 1. At the hearing, proof of giving the notice as required by the preceding section must be made, and any person may appear and contest the application.

2. If the board finds that the ferry is either a public necessity or convenience, and that the applicant is a suitable person,

by reason of ownership of the landing or failure of the owner thereof to apply, is entitled thereto, authority to erect and take tolls on the ferry may be granted to him for a term of not exceeding fifty years.

CHAPTER 249.

An act relating to the acquisition by the state of forest land for park purposes; authorizing the state board of forestry to make a survey and report on all suitable forest park sites in the state; providing a method for procuring such parks by purchase, gift, devise, donation, or condemnation proceedings, or proceedings in eminent domain and for procuring money for the acquisition and maintenance thereof, and prescribing the procedure therefor; reserving certain rights to the owners of land adjacent to the lands so acquired; providing for the naming of such parks; providing for assistance by the attorney general; vesting the state board of forestry with jurisdiction and control of such parks after their acquisition by the state and of any funds provided for the purchase or maintenance thereof; providing for the expenses of said board in carrying out the purposes of this act; and prescribing the procedure for carrying out the provisions of this act.

[Approved May 29, 1923.]

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

SECTION 1. The state board of forestry is hereby authorized and directed to make a survey of forest lands in this state and report upon such lands suitable for use as public parks. Said board is directed to divide the state into general sections for the purposes of said survey, and to file its report on each of such sections as soon as the survey of each section is complete. In making selections of such lands for park purposes and in passing upon applications provided for in section three hereof, the said board shall give due consideration to the maintenance of the integrity of logging units. Said report shall designate by accurate description the specific areas which said board recommends should be acquired by the state for park purposes and said reports shall be filed with the secretary of state.

Survey of forest lands. Those suitable for public parks to be designated.

SEC. 2. Upon the filing of its report upon any section, the said board of forestry is hereby authorized to acquire for and in the name of the people of the State of California, any land in said selected areas designated in said report, either by gift, donation, contribution, purchase, devise, or proceedings in eminent domain; also to receive and accept at any time by gift, donation, contribution or bequest, money to be used for said survey, for the acquisition of said lands, and/or the care and maintenance thereof; *provided*, that nothing herein contained shall be construed to abridge or curtail any existing

Designated lands to be acquired.

Rights of way.

right of owners of forest lands adjacent to land acquired hereunder to cross said acquired lands, and said board of forestry shall have the power to grant such necessary rights of way.

Examination and purchase of park lands upon application of private individuals.

SEC. 3. Upon written application by any person, designating with accuracy all or any part of such park land area the state board of forestry shall examine such designated lands and in writing, approve or disapprove such designated land for park purposes; if said board approves such land, it shall then be the duty of said board to appraise such land and to advise such person of the sum of money necessary, in the opinion of said board, for the acquisition of such designated land; *provided, however*, that any expenses occasioned by such examination and/or appraisal shall be deposited in advance by the person so applying. Said appraisalment and approval shall be filed with the secretary of state.

Deposit.

Any person may, at any time within ninety days after the filing of such appraisalment and approval, deposit a sum of money with the treasurer of the State of California together with a description of any land so approved and included within the areas designated by any report of the state board of forestry as herein provided, with the declaration that he desires said described lands to be acquired for the use of the people of the State of California for park purposes; any sum so deposited, equal in amount to the appraisalment of the state board of forestry, shall be used by said state board of forestry for the acquisition, maintenance and preservation of the park land so described. No action to condemn any such land shall be commenced until the amount of such appraisalment is deposited.

Notice to owner.

Upon the owner of any land filing with the state board of forestry a written request therefor, specifying an address within this state, the state board of forestry shall mail forthwith to such address of the owner of any land designated under this section a copy of any application, a copy of any approval or disapproval, and a copy of any appraisalment, and shall advise such owner of any deposit of money made and the amount thereof.

Nor shall any condemnation proceeding be brought if the owner of such land shall file his written acceptance of any sum deposited or part thereof as the purchase price of such land.

Name of park acquired by gift.

SEC. 4. Any lands acquired hereunder through gifts of money used for acquiring the same, or by donation, gift or devise, may be known by any name designated by the donor and approved by the state board of forestry.

Procedure where deposit is insufficient.

SEC. 5. Should there be rendered in any condemnation action a judgment for a greater amount than the money deposited in the state treasury, the person so depositing said money shall have the right to deposit a sum additional thereto, sufficient to cover the amount of said judgment and all costs and expenses, in which event said condemnation shall be proceeded with, and said lands passed to the State of California.

Should, however, said additional deposit not be made within thirty days from entry of judgment as herein provided, then said judgment shall be set aside, the court being hereby authorized to set said judgment aside, and to render a judgment for all costs and expenses on behalf of the defendant or defendants and all costs on behalf of the State of California, which costs and expenses shall be paid out of the fund on deposit in the state treasury as hereinbefore provided.

SEC. 6. In the event, as in the previous section set forth, the depositor of the money in the treasury should not enlarge such deposit to cover the judgment and costs and expenses, after the payment of all costs of the State of California and the expenses of defendant from said fund, the remainder of said fund shall, by the treasurer, on the certificate of the governor and the attorney general, be paid to the depositor thereof.

Return of
balance of
deposit.

SEC. 7. If, in said proceedings for condemnation, a judgment should be rendered for a less amount than the amount deposited in the treasury and said lands thereby become the property of the state, after deducting all expenses of the state and the defendant in said proceedings, the residue or remainder of said sum in the treasury shall, on the certificate of the governor and the attorney general, be paid to the depositor of said moneys.

Procedure
where deposit
too large.

SEC. 8. The value of said lands and the expenses of the defendant in such proceedings, determined by judgment in condemnation shall be paid by the treasurer of the State of California to the defendant in said action from any moneys paid into the treasury as in this act provided.

Payment for
lands, etc.

SEC. 9. In any case where land is acquired hereunder by proceedings in eminent domain, all costs and expenses, including costs of appeal, no matter by whom such appeal may be taken, shall be borne by the State of California from the funds so deposited with the treasurer and in awarding damages to the person whose property may be so taken, the court or jury shall be and is hereby required to include as damages any and all detriment which may be occasioned to such person through the taking, including damage to the business of such person, and to the property of such person not taken, and to the value of such property last mentioned, whether it be contiguous or not to that taken, if such property not taken be used or is susceptible of use in conjunction with the property that is taken—the intention hereof being that the person whose property is taken shall be fully compensated for loss of value of the property and business which is not taken, but nothing herein contained shall be construed as requiring or permitting compensation to be awarded for injury to good will of any business. All statutory provisions applicable to proceedings in eminent domain, not inconsistent herewith, shall apply to such proceedings brought hereunder.

Compensation
in eminent
domain pro-
ceedings.

SEC. 10. The state board of forestry shall have full power and control over any lands acquired hereunder and over any

Powers of
control of
board of
forestry.

funds provided for the purchase and maintenance of the same, and shall make and enforce all necessary rules and regulations for the care, maintenance and government of the same and for the carrying out of the purposes of this act and shall be allowed out of any money available or deposited under the terms hereof, all expenses necessary and requisite to carry out the purposes of this act.

Examination
of title
to lands.

SEC. 11. No payment on any piece of land to be acquired under this act shall be made until an abstract or abstracts of title shall have been furnished to the attorney general of the State of California, and the said attorney general shall have examined said abstract or abstract of title and shall have rendered and delivered to the said state board of forestry, his opinion in writing, certifying that no valid liens or encumbrances exist on said land, and that the title to said lands and the whole thereof is good and valid. It is hereby made the duty of the attorney general to examine said abstract or abstracts of title and to deliver and render to said board of forestry his said opinion in writing. The opinion of the attorney general, together with the said abstract or abstracts of title shall be filed in the office of the secretary of state.

Limitations.

SEC. 12. Nothing herein contained shall in any way interfere with existing rights in eminent domain which the State of California or the state highway commission may now have; nor shall this act prevent acceptance at any time of gifts of money, timber or lands pending the report of the state forestry board.

CHAPTER 250.

An act authorizing the creation, government and maintenance of county sanitation districts, the issuance of bonds by such districts and the powers thereof.

[Approved May 20, 1923.]

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

Powers of
supervisors.

SECTION 1. The board of supervisors of any county of the state may create, maintain and govern sanitation districts within the county as in this act provided.

Resolution
of intention.

SEC. 2. Any board of supervisors desiring to create a sanitation district shall adopt a resolution of its intention so to do. Such resolution shall contain the following matters:

- (a) A statement of the intention of the board of supervisors to create a sanitation district.
 - (b) The boundaries of the proposed district or some other designation of the territorial extent of the district.
 - (c) The name of the district.
 - (d) The time and place where objections to the formation of the district or to the extent thereof may be heard, and
 - (e) Instructions to the clerk of the board to publish said resolution and notices of the hearing provided thereby as hereafter required by this act.
-

Said district as created may include either unincorporated territory or both incorporated and unincorporated territory. The incorporated territory included in any such sanitation district may include the whole or part of one or more incorporated cities; *provided, however*, that less than the whole of any incorporated city shall not be included in such district except by unanimous consent of the governing body of such city; *provided, further*, that such district shall not include the whole or part of any other district formed for similar purposes. Territory included.

The time to be fixed for the hearing of objections shall be not less than thirty days after the adoption of such resolution, and the place of such hearing shall be the regular meeting place of the board of supervisors or else some place within the boundaries of the proposed district.

The resolution shall, prior to the time of hearing, be published at length twice in at least one of the newspapers of general circulation in the proposed district and brief notices of the passage of such resolution and the time and place of hearing provided thereby may be published in one or more of the daily and weekly newspapers published and circulated in said proposed district. Notice.

SEC. 3. At the time provided in the resolution of intention or at any time to which the hearing may be continued, the board of supervisors shall hear any objections to the creation of the district or to the extent thereof. At such hearing the board of supervisors may exclude any territory which in the opinion of the board would not be benefited by being in the district. Hearing.

If written objection to the creation of the district, signed by two per cent of the registered electors of the district be filed with the board it must, and in any event it may, either adopt an order abandoning the creation of the proposed district, or order the matter of the creation of the district with the boundary lines determined upon at the close of the hearing to be submitted to the electors of the district at an election to be called for that purpose. At such election only qualified registered electors shall be permitted to vote. Election precincts shall be established by the board and election boards composed of one inspector, one judge and one clerk shall be named. At least one week prior to the election, notice of the election shall be given by publication in a newspaper of general circulation in the proposed district. In other particulars the election shall be conducted in the manner ordered by the board of supervisors. Submission of question to electors.

SEC. 4. At the conclusion of the hearing or in the event an election is held then upon the completion of the canvass of the election returns showing that a majority of those voting upon the question of the creation of the district and that a majority of those voting thereon in each municipality or part thereof were favorable thereto, the board of supervisors may, if it deems best, make an order creating the district and Order creating district.

thereupon the same shall be created. Such order must contain the name of the district, and a description of the boundaries or otherwise indicate the territorial extent thereof. Such order shall be conclusive evidence of the regularity of all proceedings prior thereto, except the adoption and publication in full of the resolution of intention and of the fact of the hearing held thereunder.

Board of directors.

Membership.

SEC. 5. Such sanitation district shall be governed by a board of directors of not less than three members. The presiding officer of the governing body of each incorporated city, the whole or part of which is included in such district, shall automatically become a member of such board of directors. If unincorporated territory and but one incorporated city or part thereof be included in such district, the presiding officer, and one other member, of the board of supervisors of the county in which said district is organized shall be members of the board of directors, unless the population of such city or part thereof exceed that of the unincorporated territory included within such district, in which event the presiding officer of such board of supervisors and the presiding officer of the governing body of such city and one other member of such governing body shall constitute such board of directors; but whenever unincorporated territory and two or more cities or parts thereof are included in such district, the presiding officer of the board of supervisors of the county in which such district is located shall be a member of such board of directors. In the event such district contains no unincorporated territory, the board of directors thereof shall consist of the presiding officers of the governing bodies of the cities wholly or in part within said district; and in event there be but two cities or parts thereof in such district, one additional member shall be selected from the governing body of each such city. In the event the whole of such district shall be unincorporated territory, the board of supervisors of the county in which the district is organized shall be and constitute such board of directors. In governing the district such board of directors shall have the following powers:

Powers.

(a) To employ such sanitation experts, surveyors, counsel and other persons as may be needed to carry into effect any of the powers hereinafter given.

(b) To acquire real or personal property and rights of way, in the name of the county, necessary or convenient for the construction and maintenance of and to construct and maintain within or without the district a sewerage system and sewage disposal or treatment plant; *provided, however*, that no such sewerage system or sewage disposal or treatment plant shall be constructed or maintained in any city not within the district, except by consent granted by the unanimous vote of the governing body of such city.

(c) To issue bonds of the district in the manner hereinafter set forth.

(d) To levy and collect an assessment upon all the taxable real property within the district sufficient to meet the obligations evidenced by the bonds and to maintain the works of the district.

SEC. 6. Upon the creation of any sanitation district it shall become the duty of the board of directors to employ one or more sanitation engineers to make a survey of the problems of the district concerning sanitation and especially with reference to the matter of sewage collection, treatment and disposal. Such resolution shall direct such engineer or engineers to prepare and file with the board of directors of the district a report setting forth:

Sanitation
survey of
district.

1. A general description of existing facilities for sewage collection, treatment and disposal.

2. A general description of the work proposed to be done to carry out the objects of the district.

3. A general plan and general specifications of such work.

4. A general description of the property proposed to be acquired or damaged in carrying out said work.

5. A map showing the boundaries of the district and in general the location of the work proposed to be done, property taken or damaged, and any other information useful to an understanding of the proposed work.

6. An estimate of the cost of such proposed work.

Such engineer or engineers shall have authority, subject to the direction of the board of directors, to employ such surveyors and others as may be necessary to prepare such report. The board of directors may at any time remove any or all the engineers or other persons employed under the provisions of this act, and may fill all vacancies however arising.

SEC. 7. When the engineers' report is filed the board of directors shall examine it and may thereupon (a) reject it and direct that a new report be prepared; (b) direct that changes be made in it; or (c) if it complies with the provisions of the preceding section and is satisfactory to said board the board shall fix a time and place for hearing objections to said report and to the doing of the work therein referred to or to any part thereof. Notice of said hearing shall be given by the board by publishing the same for at least five times in a daily or twice in a weekly newspaper circulated in the district, as the board may direct. At the time and place so fixed, or at such time and place to which the hearing may be from time to time continued, the board shall hear all objections made.

Action of
board upon
report of
survey.

At the conclusion of the hearing the board shall either order the report to be changed to conform to some or all the objections made or shall approve and adopt the report as made. In the event changes in the report are ordered a further hearing shall be had upon the same as amended and reported back to the board as above provided and further hearings shall be had until the board of directors approves and adopts said report. It may, thereafter, have such portions of the report

as are adopted to publication or a resume thereof published for free distribution to the public.

Bond
election.

SEC. 8. After the approval and adoption of said report the board of directors of the district shall proceed to submit to the voters of the district the proposition of incurring a bonded indebtedness to obtain fund, with which to acquire the property and do the work set forth in the report. For that purpose a special election shall be called by resolution. Such resolution shall state: (a) the general objects and purposes for which it is proposed to incur an indebtedness; (b) a reference to the report filed with the board of directors for particulars; (c) the amount of the principal indebtedness proposed; (d) the part of the principal to be paid each year, which part shall not be less than one fortieth; (e) the rate of interest to be paid, which rate shall not be more than six per cent; (f) the date of such election; (g) the election precincts, polling places and election officers.

For the purposes of the special election the board of directors may consolidate into one precinct several precincts established for general election purposes and describe the precinct by reference to the general election precincts.

An election board consisting of one inspector, one judge and one clerk shall be appointed by the board of directors for each precinct.

Only qualified registered electors of the district shall be eligible to vote at such election.

The resolution calling the election shall be published once a week for three successive weeks in such newspaper having a general circulation in the district as the board of directors may designate. No other notice of such election need be given.

Issuance
of bonds.

SEC. 9. If at such election two-thirds of the votes cast are in favor of incurring the bonded indebtedness as proposed, then bonds of the district for the amount stated in the resolution calling the election shall be issued and sold.

The validity of such bonds after their issuance shall not be questioned in any court except upon the ground that the provisions of this act authorizing the issuance thereof are unconstitutional, or that the hearing provided for in section two hereof was not legally held or proper notice of it was not given.

The board of directors shall, subject to the provisions of this act, prescribe by resolution the form of the bonds, and of the interest coupons attached thereto. Said bonds shall be payable substantially in the following manner: A part to be determined by said board, and which shall not be less than one-fortieth part of the whole amount of such indebtedness, shall be payable each and every year on a day and date, and at a place to be fixed by said board, and designated in such bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness shall have been paid.

The bonds shall be issued in such denominations as the said board of directors may determine, except that no bonds

shall be of a less denomination than one hundred dollars, nor of a greater denomination than one thousand dollars. They shall be payable on the day and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of six per cent per annum, and shall after the first year be payable semi-annually. Said bonds shall be signed by the chairman of the board of directors, and countersigned by the auditor of said district, and the seal of the board of directors shall be affixed thereto. The interest coupons of said bonds shall be numbered consecutively and signed by the auditor of said district by his engraved or lithographed signature. In case any officer whose signature or countersignature appears on the bonds shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

SEC. 10. The said board of directors may issue and sell the bonds of such district authorized as hereinbefore provided at not less than par value, and the proceeds of the sale of such bonds shall be placed in the treasury of the county to the credit of the construction fund of said district, and the proper record of such transactions shall be placed upon the books of the treasurer. Said construction fund shall be applied exclusively to the purposes and objects mentioned in the resolution calling such special bond election as aforesaid, subject to the provisions in this act contained. Payments from said fund shall be made upon demands prepared, presented, allowed and audited in the same manner as other demands upon the funds of the county. Construction fund.

SEC. 11. Should the proposition of issuing bonds submitted at any election under this act fail to receive the requisite number of votes of the qualified voters voting at such election to incur the indebtedness for the purpose specified, the said board of directors of said district shall have power and authority, at the expiration of six months after such election, to call or order another election for incurring indebtedness and issuing bonds under the terms of this act, either for the same objects and purposes, or for any of the objects and purposes of the district. Other elections may be held.

SEC. 12. Whenever bonds have been issued by said district and the proceeds of the sale thereof have been expended as in this act authorized, and said board of directors shall by resolution passed by a vote of four-fifths of all its members determine that the public interest or necessity of said district demands the issuance of additional bonds for carrying out any of the objects of the district, said board of directors may again proceed as in this act provided, and have a report made and submit to the qualified voters of said district the question of issuing additional bonds in the same manner and with like procedure as hereinbefore provided, and all the above provisions of this act for the issuing and sale of such Procedure where issuance of additional bonds desirable.

bonds, and for the expenditure of the proceeds thereof shall be deemed to apply to such issue of additional bonds.

Bonds a lien.

SEC. 13. Any bonds issued under the provisions of this act shall be a lien upon the property of the district, and the lien for the bonds of any issue shall be a preferred lien to that of any subsequent issue. Said bonds and the interest thereon shall be paid by revenue derived from an annual tax upon the real property within said district, and all the real property in the district shall be and remain liable to be taxed for such payments as hereinafter provided. Such bonds shall not be taxable in this state.

How paid.

Tax exempt.

Tax levy to pay interest and principal.

SEC. 14. The board of directors shall levy a tax each year upon the taxable real property in such district sufficient to pay the interest on said bonds for that year, and such portion of the principal thereof as is to become due before the time for making the next general tax levy. Such tax shall be levied and collected on said real property at the time and in the same manner as the general tax levy for county purposes, and when collected shall be paid into the treasury of the county to the credit of said district fund, and shall be used for the payment of the principal and interest on said bonds, and for no other purpose. The principal and interest on said bonds shall be paid by the treasurer of said county in the manner now or hereafter provided by law for the payment of principal and interest on the bonds of the county.

Tax levy to pay current expenses.

SEC. 15. The board of directors shall have power to levy a tax in any year upon the taxable real property in said district to pay the cost of maintaining, operating, extending or repairing any work or improvements therein. Said tax shall be levied and collected at the same time and in the same manner as the general tax levy for county purposes, and the revenue derived from said tax shall be paid into the county treasury to the credit of the operating fund of said district, and said board of directors shall have the power to control and order the expenditure thereof for said purposes: *provided*, payments from said operating fund shall be made upon demands prepared, presented, allowed and audited in the same manner as other demands upon the funds of the county.

Supervision of work.

SEC. 16. The engineer or engineers employed by the board of directors to make the report by this act required, or another engineer or other engineers, shall be directed by the board of directors to superintend the doing of the work recommended to be done in the report as approved and adopted.

Ways of doing work.

Such work, or any portion of it, may be done in any of the following ways as ordered by the board of directors:

1. By purchasing the material and doing the work by day labor;
2. By purchasing the material and letting a contract for the doing of the work;

3. By purchasing only a portion or none of the material and letting a contract for furnishing the balance or all of the material and the doing of the work.

Any contract for the doing of the work or for the doing of the work and furnishing any or all of the material shall be let to the lowest responsible bidder submitting a sealed bid in response to a notice calling for such bid published once a week for at least two successive weeks in a newspaper circulated in the county and which notice refers to detailed plans and specifications covering the work to be done and materials, if any, to be furnished. If the material to be purchased costs over one thousand dollars, and there is no purchasing agent, such material shall be purchased from the lowest responsible bidder as above provided.

Any work recommended to be done in the report approved and adopted by the board of directors shall be done in conformity with the general plans and specifications contained in such report unless the board of directors shall by a four-fifths vote adopt a resolution declaring that the public interest requires a modification of or departure from such plans and specifications, which resolution shall contain a statement of the manner in which the modification is required or departure is to be made.

SEC. 17. It is not the intention of this act that other than the main trunk lines of the sewerage system of the district shall be constructed under the provisions of this act, but that the laterals and collecting lines shall be constructed by the county, cities or other governmental agencies as by law may be provided. Connection of laterals or collecting lines to the main trunk lines shall be made at points and in the manner to be directed by the engineer of the district under instruction from the board of directors.

The determination by the board of directors of what are main trunk lines within the meaning of this act shall be final and conclusive.

SEC. 18. A right of way in or across any public highway, street or property within the district is hereby granted to the district wherever such right of way is found by the board of directors to be necessary or convenient for doing any of the work by this act authorized.

SEC. 19. The board of directors may, by agreement with any city or other public agency, take possession of or acquire by condemnation or in any other manner any sewerage system or sewage disposal or treatment plant necessary or convenient to carry out any of the objects authorized by this act or may acquire by agreement or in any manner the right to use the same. Whenever any sewerage system or sewage disposal or treatment plant so taken possession of or otherwise acquired was built from the proceeds of a bond issue, the district shall assume and pay out of the funds of the district all the outstanding bonds according to their terms, and the principal sum thereof remaining unpaid shall be credited to the district and deducted from any sum to be paid to the city

or governmental agency therefor. Funds may be obtained to pay the principal and interest on such bonds as in section 14 above provided for paying the principal and interest on the bonds therein referred to.

Each city and governmental agency within the district is hereby authorized to enter into an agreement or agreements with the district for the use of or entire possession and operation by the district of any sewerage system or sewage disposal or treatment plant owned or operated by such city or governmental agency.

Compulsory connection with sewerage system.

SEC. 20. Whenever any community within the district is provided with a sewerage system the governing body of the city within which such community lies may declare the further maintenance or use of cess pools or other local means of sewage disposal to be a public nuisance, and may require all buildings inhabited or used by human beings to be connected with such sewerage system.

Payment of certain expenses.

SEC. 21. The cost of preparing the report required by section six of this act including the compensation paid any engineer and other employees of the district, shall be a charge against the district and shall be paid from the first available funds of the district.

Construction of act.

SEC. 22. This act, and every part hereof, shall be liberally construed to promote the objects hereof, and to carry out its intents and purposes.

Constitutionality.

SEC. 23. In case any section or sections, or part of any section, of this act, shall be found to be unconstitutional or invalid, for any reason, the remainder of the act shall not thereby be invalidated, but shall remain in full force and effect.

Title of act.

SEC. 24. This act may be designated and referred to as "county sanitation district act," and any reference thereto by such designation shall be deemed sufficient for all purposes.

CHAPTER 251.

An act to amend section one thousand five hundred forty-five of the Political Code, relating to the duties of the superintendent of schools.

[Approved May 20, 1923.]

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

SECTION 1. Section one thousand five hundred forty-five of the Political Code is hereby amended to read as follows:

County superintendent must employ teachers and maintain schools, when.

1545. *First*—He must, when there is sufficient money in the fund of any school district to maintain a free school therein for one hundred sixty days of actual teaching, if the trustees neglect or refuse to employ a teacher, appoint a teacher, and open and keep such school, and may draw his requisition upon the county auditor, who shall draw his warrant upon the fund of such district for the expense incurred.

Second—If for any reason a majority of the members of a board of school trustees or city board of education shall resign

and the officer whose duty it is to appoint is unable, for fifteen days, to select trustees to fill the vacancies, the superintendent of schools shall assume the power and duties belonging to school trustees, so far as that particular district is concerned, and shall proceed to maintain the school until a board of trustees or board of education can be appointed or elected.

CHAPTER 252.

An act to amend sections four thousand two hundred ninety-five and four thousand two hundred ninety-seven of the Political Code, relating to official services and fees.

[Approved May 29, 1923.]

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

SECTION 1. Section four thousand two hundred ninety-five of the Political Code is hereby amended to read as follows:

4295. State, county, and township officers shall not, in any case, except in proceedings upon habeas corpus, perform any official services unless upon the prepayment of such fees as are prescribed by law, for the performance of such services; *provided*, that the state or any county, city or city and county, or any public officer, or board or body, acting in his, or her, or its official capacity on behalf of the state, or any county, city, or city and county, shall not be required to pay or deposit any fee for the filing of any document or paper, or for the performance of any official service; *provided, further*, that the state, or any county, city, or city and county, or any public officer, or board or body, acting in his or her or its official capacity, on behalf of the state, or county, or city, or city and county, including notaries public, shall not collect, demand, or receive any fee or compensation for recording or indexing any discharge of a soldier, sailor, or marine, of the United States army, navy, or marine corps, or of a nurse who served in the American Red Cross or in the army or navy nurse corps, or for issuing certified copies thereof, or for any service whatever rendered in the matter of a pension claim, application, affidavit, voucher, or in the matter of any claim to be presented to the bureau of war risk insurance, under and by virtue of an act of congress of the United States, entitled "An act to amend an act entitled 'An act to authorize the establishment of a bureau of war risk insurance in the treasury department,'" approved October 6, 1917, and acts amendatory thereof; or furnishing a verified copy of the public record of a marriage, death, birth, or divorce, deed of trust, mortgage, or property assessment, or making the search for the same, wherein the same is to be used in a claim for pension, or a claim for allotment, allowance, compensation, insurance, automatic insurance, or otherwise, under the said act, establishing the said bureau of war risk insurance.

Official services and fees.

Prepayment of fees

Records of U. S. service.

Said services shall be rendered on the request of a United States official, a claimant, his or her guardian, or attorney, and for every failure or refusal so to do, such officer shall be liable on his or her official bond.

Penalty.

Upon payment by any person of the fees required by law, the officer must perform the services required, and for every failure or refusal so to do, such officer shall be liable on his or her official bond.

SEC. 2. Section four thousand two hundred ninety-seven of the Political Code is hereby amended to read as follows:

No fees to be charged, when.

4297. No fee or compensation of any kind must be charged or received by any officer for duties performed or services rendered in proceedings upon habeas corpus, nor for administering or certifying the oath of office nor filing nor swearing to any claim or demand against any county in this state, State, or any county, city, and city and county, or any public officer, including notaries public, or board or body, acting in his or her, or its official capacity, on behalf of the state, or any county, city, or city and county, shall not receive fees or other compensation for services rendered in an affidavit, or application relating to the securing of a pension, or the payment of a pension voucher, or any matter relating thereto.

CHAPTER 253.

An act to amend section four thousand one hundred ninety of the Political Code, relating to establishment and government and the creation of a fund for the law library.

[Approved May 29, 1923.]

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

SECTION 1. Section four thousand one hundred ninety of the Political Code is hereby amended to read as follows:

Law libraries, how established and governed, fund for, created.

4190. On the commencement in, or removal to, the superior court of any county in this state of any civil action, proceeding, or appeal, except, however, the filing of a petition for letters of adoption and the filing of a disclaimer, on filing the first papers therein, the party instituting such proceeding, or filing the first said papers, and thereafter any defendant or respondent or adverse party, or intervening party, on his first appearance therein, or any number of such defendants or respondents or adverse parties appearing jointly therein, shall pay to the clerk of said court in addition to fees fixed by law, the sum of one dollar as costs, for a fund which shall be designated as the "law library fund," to be expended in the purchase of law books and periodicals, and in the establishment and maintenance of a law library at the county seat of said county, which law library shall be governed and controlled, and said fund be expended by the board of trustees hereinafter provided.

CHAPTER 254.

An act to regulate the preparation manufacture, care and marketing of milk products, to prevent fraud and to protect the public health in the preparation and marketing of said milk products, to prohibit the introduction of foreign fats into milk products, providing for the enforcement and prescribing penalties for the violation hereof.

[Approved May 29, 1923.]

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

SECTION 1. This act shall be known and may be cited or referred to as the "prepared milk act." Title of act.

SEC. 2. That for the purposes of this act, condensed, evaporated and/or concentrated milk is defined as milk from which a considerable portion of water has been evaporated. The standard of composition of condensed, evaporated or concentrated milk shall be that proclaimed and established, from time to time, by the secretary of the United States department of agriculture. Condensed, evaporated or concentrated skim milk is skim milk from which a considerable portion of water has been evaporated, and which contains not less than eighteen per cent of milk solids. Skim milk, as herein used, is defined as milk from which a part or all of the cream has been removed and contains not less than eight and eight-tenths per cent of milk solids. Definitions. Standard of composition.

SEC. 3. It shall be unlawful for any person, firm or corporation, by himself, his servant or agent, or as the servant or agent of another, to manufacture, sell, exchange or have in possession with intent to sell or exchange, any milk, cream, skim milk, buttermilk, condensed or evaporated milk, powdered milk, condensed skim milk, or any of the fluid derivatives of any of them to which has been added any fat or oil other than milk fat, either under the name of said products, articles or the derivatives thereof, or under any fictitious or trade name whatsoever; *provided, however,* that the fat naturally contained in chocolate and not separated therefrom, is hereby declared not to be a fat or oil within the meaning of this act. Unlawful to sell, etc., certain milk products.

SEC. 4. It shall be unlawful for any person, firm or corporation, by himself, his servant or agent, or as the servant or agent of another, to sell or exchange or expose for sale or exchange, or have in possession with intent to sell or exchange, any condensed or evaporated skim milk in containers containing less than ten pounds avoirdupois. All hermetically sealed containers containing condensed or evaporated skim milk must bear the name and address of the manufacturer, distinctly branded, indented, labeled or printed thereon, together with the words "condensed skim milk" in roman letters of a size at least as large as any other words or letters appearing on said brand, indentation or label. Unlawful sale, etc., of condensed or evaporated skim milk.

Penalty.

SEC. 5. Any person, firm, corporation or association violating any of the provisions of this act shall be guilty of a misdemeanor.

Enforcement of act.

SEC. 6. The department of agriculture of the State of California is hereby charged with the enforcement of the provisions of this act.

Constitutionality.

SEC. 7. If any section, subsection, sentence, clause or phrase of this act is for any reason, declared to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby expressly declares that it would have passed this act and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

CHAPTER 255.

An act to add a new section to the Political Code, to be numbered one thousand six hundred eight a, relating to school districts.

[Approved May 29, 1923.]

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

SECTION 1. A new section, numbered one thousand six hundred eight a, is hereby added to the Political Code to read as follows:

Performance of school services for other districts.

1608a. One school district may perform school service for another school district or districts and receive pay from the other school district for the performance of such school service, whenever a contract approved by the county superintendent of schools covering the performance of such school service and the payment therefor, has been entered into by and between the governing boards of the two school districts concerned; *provided*, that nothing herein shall be construed so as to authorize the establishment of separate schools for pupils for any reason other than those set forth in section one thousand six hundred sixty-two of the Political Code.

CHAPTER 256.

An act to increase the number of judges of the superior court of the State of California, in and for the county of Orange, to provide for the appointment of an additional judge and for his compensation.

[Approved May 30, 1923.]

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

Additional judge in Orange county.

SECTION 1. The number of judges of the superior court of the State of California, in and for the county of Orange, is hereby increased from two to three.

SEC. 2. Within ten days after the taking effect of this act, the governor shall appoint one additional judge of the superior court of the State of California, in and for the county of Orange, who shall hold office until the first Monday after the first day of January, A. D. one thousand nine hundred twenty-five. One judge of said court, in addition to the present number provided by law for said county, shall be elected in said county who shall be successor to the judge appointed hereunder to hold office for the term prescribed by the constitution and by law.

SEC. 3. The salary of said additional judge shall be the ^{Salary.} same in amount and shall be paid at the same time and in the same manner as the salary of the other judges of said superior court now authorized by law.

CHAPTER 257.

An act to amend section seven of an act entitled "An act to establish and support a bureau of labor statistics," approved March 3, 1883, as amended, relating to the powers of the labor commissioner and his deputies.

[Approved May 30, 1923.]

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

SECTION 1. Section 7 of an act entitled "An act to establish a bureau of labor statistics," approved March 3, 1883, ^{Stats. 1919, p. 330, amended.} as amended, is hereby amended to read as follows:

SEC. 7. The commissioner and his representatives duly recommended by him in writing shall have the power and authority, when in his judgment he deems it necessary, to take assignments of wage claims and prosecute actions for the collection of wages and other demands of persons who are financially unable to employ counsel in cases in which, in the judgment of the commissioner, the claims for wages are valid and enforceable in the courts; to issue subpoenas, to compel the attendance of witnesses or parties and the production of books, papers or records, and to administer oaths and to examine witnesses under oath, and to take the verification or proof of instruments of writing and to take depositions and affidavits for the purpose of carrying out the provisions of this act and all other acts now or hereafter placed in the bureau for enforcement. When such assignments for wage claims are taken, no court costs shall be payable by said labor commissioner for prosecuting such suits. The commissioner shall ^{Seal.} have a seal inscribed "Bureau of Labor Statistics—State of California" and all courts shall take judicial notice of such seal. Obedience to subpoenas issued by the commissioner or his duly authorized representatives shall be enforced by the courts in any county or city and county. The commissioner and his representatives shall have free access to all places ^{Access to places of labor.} and works of labor, and any principal, owner, operator, manager, or lessee of any mine, factory, workshop, manufacturing

or mercantile establishment, or any agent or employce of such mercantile establishment, or any agent or employce of such principal, owner, operator, manager or lessee who shall refuse to said commissioner, or his duly authorized representative, admission therein, or who shall, when requested by him, wilfully neglect or refuse to furnish him any statistics or information, pertaining to his lawful duties, which may be in his possession or under the control of said principal, owner, operator, lessee, manager or agent thereof, shall be punished by a fine of not more than two hundred dollars.

CHAPTER 258.

An act to add two new sections to the Political Code to be numbered four thousand four hundred sixty-three and four thousand four hundred sixty-four, relating to newspapers of general circulation.

[Approved May 30, 1923.]

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

SECTION 1. A new section is hereby added to the Political Code to be numbered four thousand four hundred sixty-three and to read as follows:

Definitions
of "estab-
lished,"
"printed,"
and
"published."

4463. The word "established," as used in section four thousand four hundred sixty of this code, shall mean, and be construed to mean, that a newspaper of general circulation, as defined by said section, must have been in existence, under a specified name, during the whole of the period of time designated and required therein. The word "printed," as used in said section, shall mean, and be construed to mean, that the mechanical work of producing such a newspaper of general circulation, that is to say, the work of typesetting and impressing types on paper, shall have been performed during the whole of the period as designated and required by said section. The word "published," as used in said section, shall mean, and be construed to mean, that such a newspaper of general circulation shall have been issued from the place where it is printed, and sold to or circulated among the people and its subscribers, during the whole of the period designated or required by said section; and in no case shall the words "printed" and "published" be construed as synonyms, but each shall be understood to relate to separate acts or functions, necessary to constitute a newspaper of general circulation.

SEC. 2. A new section is hereby added to the Political Code to be numbered four thousand four hundred sixty-four and to read as follows:

Appeals from
judgments,
etc.

4464. An appeal may be taken to the supreme court from any final decision or judgment made and entered by a superior court in any proceeding instituted under section four thousand four hundred sixty-two of this code, or from any final order vacating, modifying or setting aside a decision or judgment previously entered under said section.

SEC. 3. A new section is hereby added to the Political Code to be numbered four thousand four hundred sixty-five and to read as follows:

4465. Nothing in this title shall be construed to alter the standing of any newspaper which, prior to the passage of this act, was an established newspaper of general circulation, irrespective of whether it has been printed in the place where it is published for a period of one year as required by section four thousand four hundred sixty. Limitation.

CHAPTER 259.

An act to add a new section to the Political Code to be numbered three thousand four hundred sixty-four, relating to the liability of reclamation districts for negligence of their trustees.

[Approved May 30, 1923.]

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

SECTION 1. A new section is hereby added to the Political Code to be numbered three thousand four hundred sixty-four and to read as follows:

3464. The negligence of a trustee or trustees of a reclamation district shall be imputed to the district to the same extent as if the reclamation district were a private corporation, and the reclamation district shall have power and authority to levy assessments for the purpose of paying any damage so incurred, said damages to be deemed incidental expenses of the district. Negligence of trustees.

CHAPTER 260.

An act to add a new section to the Political Code, to be numbered one thousand two hundred fifty-seven a, relating to the duties of election officers.

[Approved May 30, 1923.]

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

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

1257a. The election officers shall not constitute themselves into separate squads in an attempt to conduct more than one count of the ballots at the same time; nor shall such election officers make any tally of votes in any other manner than is provided in section one thousand two hundred fifty-eight of this code, nor in any other place than in the tally books provided for that purpose. As each ballot is read, at least one election officer besides the officer reading or calling such ballot shall sit beside such officer so reading or calling and keep watch of each vote thereon, to help keep a check on any possible illegal vote or on any error or omission on the part Board must follow code requirements.

of the officer reading or calling such ballot. The provisions of this section and of section one thousand two hundred fifty-two and one thousand two hundred fifty-eight of this code must be furnished to each election officer by the county clerk or registrar of voters and must be posted in a conspicuous place on the booth or place where such election precinct is located as a portion of the matter to be contained on the cards provided for in section one thousand two hundred ten of the Political Code.

CHAPTER 261.

An act to repeal an act entitled "An act appropriating money for the support of teachers' training courses at the southern branch of the University of California," approved June 3, 1921.

[Approved May 30, 1923.]

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

Stats. 1921,
p. 1281,
repealed
in part.

SECTION 1. An act entitled "An act appropriating money for the support of teachers' training courses at the southern branch of the University of California," approved June 3, 1921, is hereby repealed, except as to claims for expenditures incurred in accordance with law prior to June 30, 1923.

CHAPTER 262.

An act to amend section one of an act entitled "An act to prevent misrepresentations of conditions of employment, making it a misdemeanor to misrepresent the same and providing penalties therefor," approved March 20, 1903.

[Approved May 30, 1923.]

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

Stats. 1915,
p. 52,
amended

Misrepresentations of conditions of employment prohibited.

SECTION 1. Section one of an act entitled "An act to prevent misrepresentations of conditions of employment, making it a misdemeanor to misrepresent the same and providing penalties therefor," approved March 20, 1903, is hereby amended to read as follows: It shall be unlawful for any person, partnership, company, corporation, association, or organization of any kind, directly or through any agent or attorney, to induce, influence, persuade, or engage any person to change from one place to another in this state or to change from any place in any state, territory, or country to any place in this state, or to change from any place in this state to any place in any state, territory or country, to work in any branch of labor, through or by means of knowingly false representations, whether spoken, written, or advertised in printed form, concerning the kind or character of such work, the compensation therefor, the sanitary or housing conditions relating to or surrounding it, or the existence or non-existence of any strike,

lockout, or other labor dispute affecting it and pending between the proposed employer or employers and the persons then or last theretofore engaged in the performance of the labor for which the employee is sought.

CHAPTER 263.

An act authorizing incorporated cities and towns to acquire by gift, purchase, or condemnation, certain lands for garbage disposal sites, and rights of way for roadways thereto.

[Approved May 30, 1923.]

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

SECTION 1. Any incorporated city or town in this state may acquire by gift, purchase, or condemnation proceedings under the power of eminent domain, lands within the county where such city or town is located, for garbage disposal sites and rights of way for roadways thereto.

Cities may acquire garbage disposal sites.

SEC. 2. Any condemnation proceedings instituted under the provisions of this act shall be governed by the provisions of title seven of part three of the Code of Civil Procedure relating to the exercise of the right of eminent domain.

Condemnation proceedings.

CHAPTER 264.

An act to amend section one thousand one hundred ninety-five a of the Political Code relating to the printing of constitutional amendments and propositions, to be submitted to the vote of the electors.

[Approved May 30, 1923.]

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

SECTION 1. Section one thousand one hundred ninety-five a of the Political Code is hereby amended to read as follows:

1195a. The secretary of state shall cause to be printed at the state printing office one and one-tenth times as many pamphlets as there are registered voters in the state. Such pamphlets shall contain a complete copy of all constitutional amendments, propositions and measures submitted to a vote of the electors of the state by the legislature, or by initiative or referendum petition, a copy of the corresponding constitutional or statutory provisions as then in force, if any, and a copy of the arguments provided for in section one thousand one hundred ninety-five in this code and in section one, article four of the constitution of the State of California. Said pamphlets shall be printed in two parts, separately paged. The first part, which shall consist of the arguments for and against the various constitutional amendments, propositions, and initiative and referendum measures in the same order in which they are to appear upon the ballot, shall be printed in

Pamphlets regarding propositions submitted to electors.

Arguments

eight-point type, shall be preceded by the numbers and ballot titles hereinafter provided for, and shall in each case be preceded by a reference, printed in black face type, to the page on which begins the text of the measure as printed in the second part of said pamphlet. Said second part shall be designated as the appendix, shall begin with page numbered one, shall be printed in small type, and shall contain, in the same order and with the same numbers and ballot titles as provided above, the text, existing provisions and all other matter connected with the proposed constitutional amendments, propositions and measures, except the arguments to be printed in the first part of the pamphlet as above provided. The parts of the proposed measures differing from the existing provisions shall therein be distinguished in print, so as to facilitate comparison. All questions, propositions, measures and constitutional amendments which are to be submitted to a vote of the electors shall be printed in said pamphlets, so far as possible, in the same order, manner and form in which the same shall be designated upon the ballot and shall be designated thereon by the respective ballot titles or designations which may be provided therefor. Said ballot titles shall be numbered consecutively and printed on the pamphlets herein referred to immediately prior to the particular question, proposition, measure or constitutional amendment therein referred to. There shall also be printed on said pamphlets the copy of said ballot title or designation as the same will appear on the ballots when voted on in the order and with the proper number which ballot title or designation shall be the method by which said questions, propositions and constitutional amendments shall be designated on the ballots.

CHAPTER 265.

An act to amend section one thousand seven hundred thirty-nine of the Political Code, relating to trustees of county high school districts.

[Approved May 30, 1923.]

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

SECTION 1. Section one thousand seven hundred thirty-nine of the Political Code is hereby amended to read as follows:

1739. When a county high school district has been or is hereafter established in any county it shall be governed by a high school board which shall be elected according to the provisions of sections one thousand seven hundred thirty and one thousand seven hundred thirty-one of the Political Code, and which shall have the same power and duties in regard thereto as high school boards of other high school districts. The county superintendent of schools shall within ten days after this act goes into effect appoint a high school board of

High
school
board.

Appoint-
ment of
members.

five members who shall hold office until their successors have been elected and have qualified. Within ten days after the appointment of the high school board the county board of education shall turn over to said board the control of the county high school.

Within twenty days after the appointment of the high school board, the county superintendent of schools shall call a meeting of the high school board by giving at least five days' notice by registered mail to each member thereof, for the purpose of organizing the high school board. At such meeting, the high school board shall organize by electing a president from their own number and a clerk, and may transact any other business relating to the affairs of the county high school. The election of the members of the high school board shall be held at the schoolhouse of each school district of the county on the last Friday of March of each year, and the superintendent of schools shall appoint the same number of officers of election for each school district and give the same notices of election as are required for the election of school trustees, except that the returns shall be at once sent to such superintendent of schools and he shall canvass the same and issue certificates of election to the persons elected. One member shall be elected to hold office from the day of receiving his certificate of election until the first day of May, next succeeding; two members shall be elected to hold office from the day of receiving their certificates of election until the first day of the second succeeding May; and two members shall be elected to hold office from the day of receiving their certificates of election until the first day of the third succeeding May. Thereafter their successors shall be elected as provided for in section one thousand seven hundred thirty-one of this code.

Organization.

Elections.

CHAPTER 266.

An act to regulate the use and operation of vehicles upon the public highways and elsewhere; to provide for the registration and identification of motor vehicles, trailers and semi-trailers and for the payment of registration fees therefor; to provide for the licensing of persons operating motor vehicles; to prohibit certain persons from operating vehicles upon the public highways; to prohibit the possession or use of or injury to a motor vehicle without the consent of the owner thereof, and to prohibit the offer to or acceptance by certain persons of any bonus or discount or other consideration for the purchase of supplies or parts for motor vehicles, or for work or repair done thereon; to provide for records to be kept by persons operating public garages and for notices to be given by owners of private garages; to provide penalties for violations of provisions of this act, and to provide for the disposition of fines and forfeitures imposed thereon; to limit the power of local authorities to enact or enforce ordinances, rules or regu-

lations in regard to matters embraced within the provisions of this act; to provide for the disposition of registration and license fees, fines and forfeitures collected hereunder; to provide for the organization, powers and duties and for the maintenance of the division of motor vehicles; to provide for carrying out the objects of this act, and to make appropriation therefor; to provide for the time this act shall go into effect, and to repeal all acts or parts of acts in conflict with this act.

[Approved May 30, 1923.]

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

TITLE I.

DEFINITION OF TERMS.

SECTION 1. The following words and phrases used in this act shall have the meanings herein ascribed to them.

SEC. 2. "Vehicle." Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

SEC. 3. "Motor vehicle." Every vehicle, as herein defined, which is self-propelled.

SEC. 4. "Automobile." Every motor vehicle, as herein defined, except motorcycles.

SEC. 5. "Motorcycle." Every motor vehicle designed to travel on not more than three wheels in contact with the ground and of not exceeding ten horsepower and not exceeding the weight of five hundred pounds unladen.

SEC. 6. "Trailer." Every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle.

SEC. 7. "Semi-trailer." Every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

SEC. 8. "Specially constructed vehicle." Any vehicle which shall not have been originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles.

SEC. 9. "Essential parts." All integral parts and body parts, such as fenders, hood, cowl and other parts, the removal, alteration or substitution of which will tend to conceal the identity or substantially alter the appearance of the vehicle.

SEC. 10. "Reconstructed vehicle." Any vehicle which shall have been assembled or constructed largely by means of essential parts, new or used, derived from other vehicles or makes of vehicles of various names, models and types, or which, if originally otherwise constructed, shall have been materially altered by the removal of essential parts or by the addition or substitution of essential parts, new or used, derived from other vehicles or makes of vehicles.

Words
and
phrases
defined

SEC. 11. "Imported vehicle." Every motor vehicle which shall be brought into this state from another country or state otherwise than in the ordinary course of business by or through a manufacturer or dealer and which has not been registered in this state.

Words
and
phrases
defined.

SEC. 12. (a) "Pneumatic tires." All tires inflated or capable of inflation with compressed air.

(b) "Cushion tires." All tires of the solid type whose resiliency is increased by means of air chambers or openings therein other than indentations in the tread or outer surface thereof extending entirely around the exterior periphery thereof.

SEC. 13. (a) "Solid tires." Tires of rubber or other material that do not depend upon compressed air for the support of the load.

(b) "Cushion wheel." A wheel within the circumference of a larger wheel, and depending in part for its resiliency upon a strip or pad of rubber or similar resilient material situated between the outer circumference of a small wheel and the inner circumference of the larger wheel.

SEC. 14. "Metal tires." All tires the surface of which in contact with the highway is wholly or partly of metal or other hard non-resilient material.

SEC. 15. "Person." Every natural person, firm, copartnership, association or corporation.

SEC. 16. "Owner." A person having the lawful use or control or the right to the use or control of a vehicle under a lease or otherwise for a period of ten or more successive days.

SEC. 17. "Legal owner." A person who holds the legal title of a vehicle or a mortgage thereon.

SEC. 18. "Operator." Every person who drives, operates or is in actual physical control of a motor vehicle upon a public highway.

SEC. 19. "Chauffeur." An operator who directly or indirectly receives compensation for operating a motor vehicle on the public highways. This definition shall not be deemed to include manufacturers' agents, proprietors of garages and dealers, salesmen, mechanics or demonstrators of motor vehicles when driving vehicles in any such capacity.

SEC. 20. "Non-resident." Every resident of a state or country other than the State of California whose sojourn in this state or whose occupation of his or her regular place of abode or business in this state, if any, covers a total period of not more than six months in the calendar year.

SEC. 21. "Public highway." Every highway, road, street, alley, lane, court, place, trail, drive, bridge, viaduct or trestle laid out or erected as such by the public or dedicated or abandoned to the public, or intended or used by or for the general public, except such portions thereof as are used or prepared for use by pedestrians as sidewalks. The term "public highway" shall apply to and include driveways upon the grounds of universities, colleges, schools and institutions.

The term "public highway" shall not be deemed to include private driveways, roads or places used by the owner, his guests and those having business with the owner and not intended to be otherwise used, or otherwise used by the general public.

SEC. 22. "Private road or driveway." Every private road, driveway or place used by the owner, his guests and those having business with the owner and not intended to be otherwise used, or otherwise used by the general public.

SEC. 23. "Intersection of public highways." The area embraced within the prolongation of the boundary or property lines of two or more public highways which join one another at an angle, whether or not one such public highway crosses the other.

SEC. 24. "Right of way." The privilege of the immediate use of the highway.

SEC. 25. "Division." The division of motor vehicles of the department of finance of the State of California.

SEC. 26. "County." Every county and every city and county within this state.

SEC. 27. "Established place of business." The place actually occupied either continually or at regular periods by a manufacturer or dealer in motor vehicles, where the books and records of such manufacturer or dealer are kept and at which a large share of the business of such dealer or manufacturer is transacted.

SEC. 28. "Public garage." Every building where motor vehicles are kept and stored by the public and where a charge is made for such storage and keeping of motor vehicles.

TITLE II.

DIVISION OF MOTOR VEHICLES.

Section No.

29. Duty of division of motor vehicles.
30. Chief of division may employ inspectors and field deputies.
31. Chief of division to adopt rules and regulations and prescribe forms.
32. Offices of division.
33. Divisions may maintain stations.
34. Records of division.
35. Distribution of synopsis of act.

Duty of
division of
motor
vehicles.

Inspectors
and traffic
officers.
appoint-
ment and
compensation

SEC. 29. Duty of division of motor vehicles. It shall be the duty of the division of motor vehicles and all officers thereof to observe and enforce the provisions of this act.

SEC. 30. Chief of division may appoint inspectors and traffic officers. The chief of the division of motor vehicles is hereby authorized to appoint all necessary state inspectors at large and in addition thereto a sufficient number of state inspectors and traffic officers to enforce the provisions of this act in each of the counties of the state and all inspectors and traffic officers appointed as provided herein are hereby vested with the authority of peace officers for the purpose of enforcing the provisions of this act.

Boards of supervisors in their respective counties and the chief of the division of motor vehicles are hereby authorized to enter into contracts providing for the appointment by the chief of the division of a sufficient number of inspectors and traffic officers to serve in such counties respectively and providing for the amount of their compensation.

Boards of supervisors in their respective counties may submit to the chief of the division a list of names of proposed traffic officers from which list the chief of the division may in his discretion make such appointments.

The compensation of such inspectors and traffic officers appointed to serve in any particular county shall be paid by the state out of that portion of the net receipts of the motor vehicle fund which such county is entitled to receive under the provisions of this act.

Inspectors and traffic officers appointed pursuant to contracts entered into as herein authorized shall be exempt from the provisions of an act entitled "An act to provide for a general system, based upon investigation as to merit, efficiency and fitness, for appointment to and holding during good behavior of office and employment under state authority and, in that behalf, to create a state civil service commission, to prescribe its powers and duties, to make the willful violation of the provisions of this act a misdemeanor, to repeal all acts and parts of acts inconsistent herewith in so far as they may be inconsistent with the provisions of this act, and to make an appropriation therefor."

SEC. 31. Chief of division to adopt rules and regulations and prescribe forms. The chief of the division of motor vehicles is hereby authorized to adopt and enforce such administrative rules and regulations as may be necessary to carry out the provisions of this act. He shall also prescribe and provide suitable forms of applications, certificates of registration and ownership, operator's and chauffeur's licenses and all other forms requisite for the purposes of this act and shall prepay all transportation charges thereon. Rules, regulations and forms.

SEC. 32. Offices of division. The division shall maintain an office or offices in the state capital and in such other places in the state as the division shall deem necessary to properly carry out the provisions of this act. Offices of division.

SEC. 33. Division may maintain stations. The division may maintain stations on all highways entering the state at the boundary lines of said state for the purpose of examining motor vehicles entering or leaving the state. Stations.

SEC. 34. Records of division. All records in the offices of the division with reference to the registration of vehicles and licenses of operators or chauffeurs shall be open to inspection by the public during reasonable business hours. Records.

SEC. 35. Distribution of synopsis of act. The division shall publish a brief synopsis of this act and shall furnish without charge a copy thereof with each original motor vehicle registration. Synopsis of act.

TITLE III.

REGISTRATION OF MOTOR VEHICLES.

Section No.

- 36. Applications for registration
- 37. Division to determine registrations.
- 38. Division authorized to assign new engine number.
- 39. Register of applicants to be kept by division.
- 40. Records to be posted.
- 41. Certificates of registration and ownership.
- 42. Plates to be furnished by division.
- 43. Display of plates.
- 44. Renewal of registration.
- 45. Transfer of title or interest
- 46. Registration by manufacturers and dealers.
- 47. Registration by non-residents.
- 48. Lost certificates or number plates—duplicates to be obtained.
- 49. Registration refused unless fees paid.

Applications
for regis-
tration.

SEC. 36. Applications for registration. (a) Every owner of a motor vehicle, trailer or semi-trailer which shall be operated upon the public highways of this state shall for each such vehicle owned, except as herein otherwise provided, apply to the division for the registration thereof.

(b) Application for the registration of a vehicle herein required to be registered shall be made upon the appropriate form furnished by the division and shall contain the name and address of the owner and legal owner, also a description of the vehicle, including the name of the maker, the motor number, the year built, and the date first sold by the manufacturer or dealer to the consumer and such further description of the vehicle as shall be called for in the form, and such other information as may be required by the division.

(c) In the event that the vehicle to be registered should be a specially constructed, reconstructed or an imported vehicle, such fact shall be stated in the application, and upon the registration of every imported motor vehicle which has been registered theretofore in any other state or country, the owner shall surrender to the division all number plates, seals, certificates of registration or other evidences of such former registration as may be in the applicant's possession or control.

Exceptions.

(d) The provisions of this act requiring the registration of certain vehicles shall not apply to implements of husbandry temporarily drawn, moved, or otherwise propelled upon the public highways.

Powers of
division
regarding
registrations.

SEC. 37. Division to determine registrations. It shall be the duty of the division and the officers and deputies thereof to examine and to the best of their ability to determine the genuineness and regularity of every registration and transfer of registration of a vehicle as in this act provided, in order that every certificate issued for a vehicle shall contain true statements of the ownership thereof, and to prevent the registration of a vehicle by any person not entitled thereto, and the division is hereby authorized to require any applicant to furnish such information in addition to that contained in the application as may be necessary to satisfy the division of the truth and regularity of the application.

SEC. 38. Division authorized to assign new engine number. The division is hereby authorized to assign a distinguishing motor number to the motor in any motor vehicle whenever the motor number thereon shall be destroyed or obliterated, and any motor vehicle to which there shall be assigned a distinguishing motor number as authorized in this section shall be registered under such distinguishing number.

New motor numbers may be assigned.

SEC. 39. Register of applicants to be kept by division. The division shall file each application received and register the vehicle therein described and the owner thereof in suitable books or on index cards as follows:

Method of filing applications and registering.

(1) Under a distinctive registration number assigned to the vehicle and to the owner thereof hereinafter referred to as the registration number;

(2) Alphabetically under the name of the owner;

(3) Numerically under the motor number of the vehicle;

(4) The division may also register such vehicle under the serial number of such vehicle or otherwise in its discretion.

SEC. 40. Records to be posted. A full record of all vehicle registrations shall be posted daily by the division in a public place in each of its offices. No information relative to the matters required to be set forth in such posted records shall be made public by any officer or employee of the division in advance of such posting.

Posting of records.

SEC. 41. Certificates of registration and ownership. Upon the registration of a vehicle the division shall issue a certificate of registration to the owner and a certificate of ownership to the legal owner, or both to a person who is both owner and legal owner, which certificates shall meet the following requirements:

Certificates of registration and ownership.

(1) Both the certificate of registration and the certificate of ownership shall contain upon the face thereof the date issued, the registration number assigned to the owner and to the vehicle, the name and address of the owner and legal owner in typewriting, also such description of the registered vehicle, including the year built, the date first sold by the manufacturer or dealer to the consumer and such other statement of facts as may be determined by the division.

(2) The reverse side of the certificate of ownership only shall contain forms for notice to the division of a transfer of the title or interest of the owner or legal owner and application for registration by the transferee.

(3) Whenever a vehicle is first registered hereunder the division shall issue a suitable container with the certificate of registration issued for such vehicle. Every owner upon receipt of a certificate of registration shall place the same in the container furnished therewith or heretofore furnished and shall securely fasten the same in plain sight within the driver's compartment of the vehicle for which such certificate is issued, or in the event the vehicle is a motorcycle, a trailer or semi-trailer, shall fasten the certificate of registration thereto in plain sight or carry such certificate in the tool bag or other convenient receptacle attached to such vehicle.

Containers.

Number
plates.

SEC. 42. Plates to be furnished by division. (a) The division shall also furnish to every owner whose vehicle shall be registered one number plate for a motorcycle, trailer or semi-trailer, and two number plates for any motor vehicle other than a motorcycle.

(b) Every number plate shall have displayed upon it the registration number assigned to the vehicle for which it is issued, together with the abbreviation "Cal." and the year number for which it is issued.

(c) Number plates furnished for trailers, semi-trailers and such vehicles as are exempt from the payment of fees under this act shall display suitable distinguishing marks or symbols, and the numbers assigned in such cases shall run in different numerical series from the numbers assigned to other vehicles registered under the provisions of this act.

Display of
plates.

SEC. 43. Display of plates. (a) Number plates assigned to a motor vehicle other than a motorcycle shall be attached thereto, one in front and the other in the rear; the number plate assigned to any motorcycle or other vehicle required to be registered under the provisions of this act shall be attached to the rear thereof.

(b) Every number plate shall at all times be securely fastened to the vehicle to which it is assigned so as to prevent the plate from swinging and at a minimum distance of sixteen inches from the ground, in a position to be clearly visible, and shall be maintained free from foreign materials and in a condition to be clearly legible.

Renewal
of registra-
tion.

SEC. 44. Renewal of registration. (a) Every vehicle registration under this act shall expire January thirty-first of each year and shall be renewed annually upon application to be determined by the division and upon the payment of the same fees as provided for original registration, such renewal to take effect on the first day of February, each year. The certificates of registration and ownership furnished by the division as in this act provided shall be valid during the registration year only for which they are issued.

(b) The owner of a vehicle registered under the provisions of this act who has duly applied for the annual renewal of registration of such vehicle before the commencement of the ensuing registration year, accompanying such application with the proper fee for such registration, shall be entitled to operate such vehicle during the month of February without displaying the registration certificate of the current year, on condition that such owner shall, during said month, display upon such vehicle the number plates or plate assigned thereto for the previous year.

Transfer of
title or
interest.

SEC. 45. Transfer of title or interest. (a) Upon a transfer of the title or interest of a legal owner or owners in or to a vehicle registered under the provisions of this act as hereinbefore required, the person or persons whose title or interest is to be transferred and the transferee shall write their signatures with pen and ink upon the certificate of ownership issued for such vehicle, together with the address of the trans-

ferree, in the appropriate spaces provided upon the reverse of said certificate. Transfer of title or interest.

(b) Within ten days thereafter, the transferee shall forward both the certificate of ownership so indorsed and the certificate of registration to the division, which shall file the same upon receipt thereof.

(c) The provisions of subdivision (b) of this section requiring a transferee to forward the certificate of ownership after endorsement and the certificate of registration to the division shall not apply to the transferee of a vehicle not intending to and who does not drive such vehicle or permit such vehicle to be driven upon the public highways, but every such transferee shall upon transferring his interest or title to another give notice of such transfer to the division and endorse the certificate of ownership as herein provided and deliver the certificate of ownership to the new legal owner and the certificate of registration to the new owner.

(d) The division upon receipt of the certificate of ownership properly indorsed as required herein and the certificate of registration of such vehicle shall register such vehicle as hereinbefore provided with reference to an original registration, and shall issue to the owner and legal owner entitled thereto, by reason of such transfer, a new certificate of registration and certificate of ownership respectively in the manner and form hereinbefore provided for original registration.

(e) Until said division shall have issued said new certificate of registration and certificate of ownership as hereinbefore in subdivision (d) provided, delivery of such vehicle shall be deemed not to have been made and title thereto shall be deemed not to have passed and said intended transfer shall be deemed to be incomplete and not to be valid or effective for any purpose.

(f) In the event of the transfer by operation of law of the title or interest of a legal owner or owner in and to a vehicle registered under the provisions of this act, as upon inheritance, devise or bequest, order in bankruptcy, or insolvency, execution sale, repossession upon default in performance of the terms of a lease or executory sales contract, or otherwise than by the voluntary act of the person whose title or interest is so transferred, the certificate of ownership shall be signed upon the reverse thereof by the executor, administrator, receiver, trustee, sheriff, or other representative or successor in interest of the person whose title or interest is so transferred in lieu of such person. Every such executor, administrator, receiver, trustee, sheriff or other representative hereinabove referred to shall file with the division a notice of any transfer by sale, lease or otherwise by him or it, of any such vehicle, together with evidence satisfactory to the division of all facts entitling such representative to make such transfer.

(g) Nothing in the foregoing subdivisions of this section shall prevent a legal owner from assigning his title or interest

in or to a vehicle registered under the provisions of this act to another legal owner without the consent of and without affecting the interest of the holder of the certificate of registration thereof. Upon filing with the division of a certificate of ownership endorsed by the legal owner and a transferee of legal ownership, the division shall enter the name of the new legal owner upon the records of the division and shall issue a new certificate of ownership to the new legal owner in the form hereinbefore provided for original registration; upon so doing the division shall send to the registered owner a notice by mail of such action.

Registration
by manufac-
turers and
dealers.

SEC. 46. Registration by manufacturers and dealers.

(a) A manufacturer or dealer in motor vehicles, trailers or semi-trailers having an established place of business in this state, owning any such vehicles and operating them upon the public highways exclusively for the purposes of his business, in lieu of registering each such vehicle, may make application upon an official blank provided for that purpose to the division for a general distinguishing number or symbol.

(b) Upon receipt of such application the division shall issue to the applicant a certificate of registration, containing the latter's name and business address and the general distinguishing number or symbol assigned to him in such form and containing such further information as the division may determine, and every vehicle owned or controlled by such manufacturer or dealer, and permitted to be registered under a general distinguishing number, while being operated for the purposes of his business only, shall be regarded as registered thereunder until ten days after being sold.

(c) The division shall also, upon receipt of such application, or thereafter, furnish to the manufacturer or dealer one or more pair of automobile plates or single plates for other vehicles required by the applicant, and every such plate shall have displayed upon it the registration number which is assigned to the applicant, with a different letter or symbol on each pair of automobile number plates and on each single plate for other vehicles.

(d) No such manufacturer or dealer shall operate any motor vehicle, trailer or semi-trailer owned or controlled by him upon any public highway or permit it to be so operated, unless number plates assigned to him are attached thereto, in the manner hereinbefore specified in this act, excepting only that it shall be permissible for such manufacturer or dealer to operate any such vehicle without number plates attached thereto from any vessel, railroad depot or warehouse over the public highways, to the salesrooms or other place of business of such manufacturer or dealer, or to a warehouse or other place of storage under a written permit authorizing such operation first obtained from the police authorities or marshal of the city or town in which said vessel, railroad depot or warehouse is situated, and there is hereby conferred upon police authorities, including town marshals within the State

of California, authority to issue such permits in proper cases as hereinbefore provided.

(e) Every such manufacturer or dealer upon the sale, lease or other transfer by him of a vehicle registered under a general distinguishing number, as herein provided, shall forthwith give notice of such transfer to the division upon the appropriate official form, stating therein the date of such transfer, a description of such vehicle and the name and post-office address of the transferee.

(f) The division of motor vehicles may, at its discretion, grant a ten days temporary permit to operate a vehicle for which registration has been applied.

SEC. 47. Registration by non-residents. (a) A non-resident owner of a motor vehicle, trailer or semi-trailer which has been duly registered for the current year in the state or country of which the owner is a resident and in accordance with the laws thereof, may, in lieu of registering such vehicle as otherwise required by this act, apply to the division for the registration thereof as provided in this section. Registration
by non-
residents.

(b) The non-resident owner shall within ten days after commencing to operate such vehicle or causing or permitting it to be operated within this state apply to the division for the registration thereof upon the appropriate official form stating therein the name and home address of the owner and the temporary address, if any, of the owner while within this state, the registration number of said vehicle assigned thereto in the state or country in which the owner is a resident, together with such description of the motor vehicle as may be called for in the form and such other statements of facts as may be required by the division.

(c) The division shall file each application received and register the vehicle therein described and the owner thereof in suitable books or on index cards, and shall without charge, issue to the owner a registration certificate of a distinctive form containing the date it is issued, a brief description of the vehicle and a statement that the owner has procured registration of such vehicle as a non-resident.

(d) No non-resident owner of a motor vehicle, trailer or semi-trailer shall operate any such vehicle or cause or permit it to be operated upon the public highways of this state, either before or while it is registered under this section, unless there shall at all times be displayed thereon the registration number plates assigned to said vehicle for the current calendar year by the country or state of which such owner is a resident, nor unless the certificate of registration, when issued thereto as in this section provided shall be placed on the windshield of said motor vehicle in the manner to be specified by the division and on any other vehicle in plain sight and in the manner to be specified by the division. Display of
plates and
certificates.

(e) Every certificate of registration issued pursuant to this section shall be valid not to exceed six months from the date of its issuance.

Lost
certificates
and plates.

SEC. 48. Lost certificates or number plates—duplicates to be obtained. In the event that any number plate or certificate of registration or certificate of ownership shall be lost, mutilated or shall have become illegible, the person to whom the same shall have been issued shall immediately make application for and may obtain a duplicate thereof upon furnishing satisfactory information to the division of such facts.

Prepayment
of fee.

SEC. 49. Registration refused unless fees paid. The division must not grant any application for registration, renewal of registration or transfer of registration of a vehicle nor issue any registration certificate or number plates provided for in this act to any person unless the correct fee therefor specified in this act shall have been paid.

TITLE IV.

VIOLATIONS OF PROVISIONS RELATING TO REGISTRATION AND LICENSES, PENALTIES.

Section No.

50. When registration and licenses refused.

51. Failure to register or unlawful use—penalties.

Grounds for
refusing
registration
on license.

SEC. 50. When licenses and registration refused. The division may refuse to grant any application for registration of a vehicle or for an operator's or chauffeur's license or revoke a registration or license provided for in this act in any of the following events:

First—If the division is satisfied that the applicant for or the person who has obtained the registration of a vehicle or a chauffeur's or operator's license is not entitled thereto under the provisions of this act;

Second—If any applicant for the registration of a vehicle or for an operator's or chauffeur's license has neglected or refused to furnish the division with the information required in the appropriate official form provided or reasonable additional information requested by the division;

Third—If the division determines that any person to whom there has been issued any registration certificate, certificate of ownership, number plate or operator's or chauffeur's license has made or permitted to be made any unlawful use of the same or permitted the use thereof by a person not entitled thereto;

Fourth—If the division shall determine that for any reason a vehicle is unsafe or is improperly equipped or is otherwise unfit to be operated;

Fifth—If the division shall determine that any manufacturer or dealer has failed to comply with the requirements of this act with reference to the giving of notice of the transfer of a vehicle to the division during the current or previous year.

Acts
declared
unlawful.

SEC. 51. Failure to register or unlawful use—penalties. It shall be unlawful and constitute a misdemeanor for any person to commit any of the following acts:

First—To operate or for the owner thereof to knowingly permit the operation of any motor vehicle, trailer or semi-trailer upon a public highway which shall not be registered or for which the registration fees have not been paid, when and as required by the provisions of this act;

Second—To operate or for the owner thereof to knowingly permit the operation of any vehicle unless there shall be attached thereto and displayed thereon when and as required by this act the registration certificate and registration plates or plate assigned thereto by the division for the current registration year;

Third—To display or cause or permit to be displayed or have in possession any canceled, revoked, suspended, altered or fictitious certificate of registration or ownership, number plate or operator's or chauffeur's license as the same are respectively provided in this act;

Fourth—To lend to or knowingly to permit the use by one not entitled thereto any certificate of registration or ownership, number plate or operator's or chauffeur's license issued to the person so lending or permitting the use thereof;

Fifth—To display or to represent as one's own, any operator's or chauffeur's license not issued to the person so displaying the same.

Sixth—To fail or refuse to surrender to the division, upon demand, any certificate of registration or ownership, number plate or operator's or chauffeur's license which has been suspended, canceled or revoked, as in this act provided.

Seventh—To use a false or fictitious name in any application for the registration of any vehicle or for an operator's or chauffeur's license, or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application.

SEC. 52. No person shall knowingly buy, sell, receive, dispose of, conceal or have in his possession any motor vehicle from which the manufacturer's serial number or motor number or any other distinguishing number, or identification mark has been removed, defaced, covered, altered or destroyed for the purpose of concealment or misrepresenting the identity of said motor vehicle.

Vehicles
minus
factory
numbers.

TITLE V.

MISCELLANEOUS NOTICES REQUIRED.

Section No.

- 53. Notice of change of address.
- 54. Notice of transfer of engine.
- 55. Notice of theft or embezzlement.
- 56. Notice of renting private garage.
- 57. Public garages, records to be kept.

SEC. 53. Notice of change of address. Whenever any person after registering or making application for the registration of a vehicle shall move from the address named in the application for or certificate of registration issued, he shall

Change
of address.

within ten days thereafter notify the division in writing of such change and of his new address.

Transfer
of engine.

SEC. 54. Notice of transfer of engine. Upon the transfer by sale, lease or otherwise of any automobile engine or motor (except a new engine or motor transferred with intent that the same be installed in a new automobile), the transferee shall within three days thereafter file a notice upon an official form with the division containing the date of such transfer, a description of such engine or motor, including the maker's number thereon and the name and post-office address of the transferee.

Theft or
embezzlement.

SEC. 55. Notice of theft or embezzlement. The owner or legal owner of any motor vehicle, trailer or semi-trailer which is stolen or embezzled may notify the division of such theft or embezzlement provided in the case of an embezzlement the owner or legal owner shall have first procured a warrant for the arrest of the person charged with such embezzlement. Every owner or legal owner who has given such notice must notify the division of the recovery of such vehicle. Upon receipt of a notice of theft or embezzlement of a vehicle the division shall immediately suspend the registration of such vehicle and shall not transfer the registration of such vehicle until such time as it shall be notified that the owner has recovered such vehicle. Notices given under this section shall be effective only during the current registration year in which given.

Renting
private
garages.

SEC. 56. Notice of renting private garage. Every owner or lessee of any building used for the purposes of a private garage who shall rent such building or any space therein for the storage of a motor vehicle when such agreement to rent includes only such private garage or space therein and any motor vehicle shall be stored therein shall within twenty-four hours thereafter report such fact, together with the name of the person to whom such building or space is rented and a description of the motor vehicle stored therein, including the name of the maker, the motor number and the license number, if any, to the police department in any city or city and county if said building be located within a city or city and county or to the sheriff of the county if the building be located within unincorporated county territory. The term "private garage" shall not be construed to include any public warehouse nor any public garage as herein defined.

Public
garage
records.

SEC. 57. Public garages, records to be kept. Every person engaged in the business of conducting a public garage shall keep a written record of every motor vehicle stored therein for compensation for a period longer than twelve hours, which record shall include the name and address of the person storing such vehicle together with a brief description of such vehicle including the name or make, the motor number and the license number thereof as shown by the number plates and registration certificate upon such vehicle. Every such record shall be open to inspection by any peace officer.

TITLE VI.

OPERATORS' AND CHAUFFEURS' LICENSES.

Section No.

- 58. Operators and chauffeurs must be licensed.
- 59. Application for license.
- 60. What persons need not apply for a license.
- 61. Form of application.
- 62. Applications of minors.
- 63. Minimum age limit for operators and chauffeurs.
- 64. No new license to be issued during suspension or revocation.
- 65. Register of operators and chauffeurs.
- 66. Licenses issued to operators and chauffeurs.
- 67. License to be signed and carried.
- 68. Chauffeurs' badges.
- 69. Expiration of license.
- 70. New or duplicate license certificates.
- 71. Licensed chauffeur need not obtain operator's license.
- 72. Revocation or suspension of license by a court of competent jurisdiction.
- 73. Revocation or suspension of license by the division.
- 74. Misdemeanor to drive motor vehicle while license suspended or revoked.
- 75. Unlawful to permit unlicensed minor to drive motor vehicle.
- 76. Unlawful to employ unlicensed chauffeur.

SEC. 58. Operators and chauffeurs must be licensed. It shall be unlawful for any person to drive any motor vehicle upon any public highway in this state whether as an operator or a chauffeur unless licensed as an operator or chauffeur, except such persons as are expressly exempted under this act.

Driver's
licenses.

SEC. 59. Application for license. Application to the division shall be made by every operator for an operator's license and by every chauffeur for a chauffeur's license except as herein otherwise provided.

Application.

SEC. 60. What persons need not apply for a license. (a) Every operator's license heretofore issued under any former statute of this state and valid and in the possession of the person to whom the same was issued at the time this act takes effect shall be deemed valid until revoked or suspended as in this act provided, and the person to whom the same was issued, while in possession of such valid license not revoked or suspended, need not apply for a similar license under the provisions of this act.

Who need
not apply.

(b) A non-resident operator or chauffeur, who has complied with the laws of the country or state of his residence relative to persons operating motor vehicles, and who while operating a motor vehicle in this state shall wear such badge conspicuously upon an outer garment and carry such license certificate as may have been assigned to him in the country or state of his residence, shall be exempt from license hereunder for a period not to exceed six months in any one calendar year.

(c) Every person enlisted in the military service of the United States and acting as chauffeur in such service shall while acting in such service be exempt from the provisions hereof requiring that a chauffeur's license be procured.

(d) No person shall be required to obtain an operator's or chauffeur's license for the purpose of operating or driving

implements of husbandry temporarily drawn, propelled or moved on the public highways.

Form of application.

SEC. 61. Form of application. Every application for an operator's or chauffeur's license shall be made upon the approved form furnished by the division and shall state whether the application is for an operator's license or a chauffeur's license.

Contents.

Every application shall also contain the name, age, sex, and the residence address of the applicant, and whether or not the applicant has heretofore been licensed as an operator or chauffeur and if so when and by what state, and whether or not such license has ever been suspended or revoked and if so the date of and reason for such suspension or revocation.

Applications of minors.

SEC. 62. Applications of minors. (a) The application to the division of any minor for an operator's license shall not be granted unless such application is signed by both the father and mother of the applicant if both the father and mother are living and have custody of the applicant, otherwise by the parent, guardian, employer or other person having the custody of such minor.

Negligence of minors.

(b) Any negligence of a minor so licensed in driving a motor vehicle upon a public highway shall be imputed to the person or persons who shall have signed the application of such minor for said license, which person or persons shall be jointly and severally liable with such minor for any damages caused by such negligence.

Minimum age limit of licensees.

SEC. 63. Minimum age limit for operators and chauffeurs. An operator's license shall not be issued to any person under the age of fourteen years and no chauffeur's license shall be issued to any person under the age of sixteen years, nor shall any such license be issued to any person unless the correct fee therefor specified in this act shall be paid; provided it shall be unlawful for any person licensed as a chauffeur who is under the age of eighteen years to operate a vehicle carrying passengers for hire. No person under the age of twenty-one years, whether licensed as an operator or chauffeur, or unlicensed as either, shall drive a school bus containing passengers which is owned and operated by a school district.

No new license during suspension, etc.

SEC. 64. No new license to be issued during suspension or revocation. The division shall not issue an operator's or chauffeur's license to any person whose license has been suspended during the period for which such license was suspended nor to any person whose license has been revoked under the provisions of this act until the expiration of one year after such license was revoked.

Method of filing applications and listing suspended and revoked licenses.

SEC. 65. Register of operators and chauffeurs. (a) The division shall file every application for an operator's or chauffeur's license approved by it, and arrange the same alphabetically under the name of the applicant in a file including only applications granted and shall assign to each applicant a distinguishing number.

(b) The division shall file every application for an operator's or chauffeur's license not approved by it, together with a statement of the reasons for such refusal, and shall index every such application alphabetically under the name of the applicant in an index entitled "Applications refused."

(c) The division shall maintain a file containing the names of all operators and chauffeurs whose licenses have been suspended by it or revoked by it or by a court of competent jurisdiction and the reasons therefor, which names shall be so filed during the period of such suspension or revocation. The division shall arrange such names alphabetically under the name of each such operator or chauffeur in a file entitled "Operators' and chauffeurs' licenses suspended or revoked".

SEC. 66. Licenses issued to operators and chauffeurs. (a) ^{"Operator's" and "chauffeur's" licenses.} The division shall issue to every person licensed as an operator an operator's license and to every person licensed as a chauffeur a chauffeur's license.

(b) Every such license shall bear thereon the distinguishing number assigned to the applicant and shall contain the name, age and residence address of the person to whom the license is issued and a brief description of such person for the purpose of identification and shall also contain a space for the signature of the licensee.

SEC. 67. License to be signed and carried. (a) ^{License to be signed and carried.} Every person so licensed shall write his usual signature with pen and ink in the space provided for that purpose on the license certificate issued to him immediately upon receipt of such certificate, and such license shall not be valid until the certificate is so signed.

(b) The licensee shall have such license in his immediate possession at all times when driving a motor vehicle and shall display the same upon demand of a justice of the peace, a peace officer or a field deputy or inspector of the division. It shall be a defense to any charge under this subsection that the person so charged produce in court an operator's or chauffeur's license theretofore issued to such person and valid at the time of his arrest.

SEC. 68. Chauffeur's badges. ^{"Chauffeur's" badges.} The division shall issue to every person to whom is issued a chauffeur's license a suitable metal badge with the distinguishing number assigned to such person stamped thereon, which badge shall be conspicuously worn by such chauffeur upon an outer garment whenever he is operating any motor vehicle as a chauffeur.

SEC. 69. Expiration of license. ^{Expiration and renewal of licenses.} An operator's license issued hereunder shall be valid until revoked or suspended as hereinafter provided; every chauffeur's license shall expire January thirty-first of each year and shall be renewed annually in the same manner and upon payment of the same fee as provided for an original license.

SEC. 70. New or duplicate license certificates. (a) ^{New or duplicate certificates.} In the event that an operator's or chauffeur's license or a chauffeur's badge issued under the provisions of this act shall be lost or

destroyed, the person to whom the same was issued may obtain a duplicate thereof upon furnishing proof satisfactory to the division that such license or badge has been lost or destroyed.

Chauffeur
needs only
one license.

SEC. 71. Licensed chauffeur need not obtain operator's license. Any person who is licensed as a chauffeur under the provisions of this act shall not be required to procure an operator's license.

Revocation or
suspension
of license
by court.

SEC. 72. Revocation or suspension of license by a court of competent jurisdiction. (a) Whenever any person holding an operator's or chauffeur's license shall be convicted of a violation of section one hundred thirteen or one hundred twenty-one of this act prohibiting speeding or reckless driving, the court may in its discretion suspend the license of such person for a period not to exceed thirty days upon a first conviction, for a period not to exceed sixty days upon a second conviction and for a period not to exceed twelve months for a third or subsequent conviction.

(b) Whenever any person holding an operator's or chauffeur's license shall be convicted of a violation of section one hundred twelve of this act declaring it unlawful to drive a vehicle while intoxicated the court shall suspend the license of such person for a period of one year and shall immediately thereafter notify the division of such conviction and suspension and shall revoke such license upon a second conviction.

(c) Convictions had prior to the time this act takes effect shall not be considered in determining the number of convictions hereinbefore referred to.

(d) Whenever any court shall suspend an operator's or chauffeur's license as in this section provided, the court shall require such license certificate to be produced and surrendered to the court, and the court shall retain such license certificate during the period of suspension, returning the same to the owner at the end of such period.

Revocation or
suspension
of license
by division.

SEC. 73. Revocation or suspension of license by the division. (a) Immediately upon receipt by the division of satisfactory evidence of the third conviction within one year of any person for the violation of any of the provisions of section one hundred thirteen or of section one hundred eighteen of this act the division shall forthwith revoke the operator's or chauffeur's license issued to such person by the division and shall not issue to such person a new operator's or chauffeur's license for a period of one year thereafter.

Complaints.

(b) Whenever the division shall within one year receive verified written complaints made by one or more persons of two or more separate instances of reckless, negligent or other unlawful operation of a motor vehicle on any public highway in this state by any person holding a valid, unrevoked operator's or chauffeur's license, the division may in the discretion of the chief of the division fix a time and place for a hearing to determine whether or not the operator's or chauffeur's license held by such person shall be revoked on the ground that such person is unfit to be so licensed.

The person so complained of shall be served with a written ^{Notice.} notice at least ten days prior to the date of said hearing to appear and show cause at such hearing why his license to operate a motor vehicle upon the public highways should not be suspended or revoked.

Such hearing shall be held by the chief of the division or by ^{Hearing.} any person or persons, not exceeding three, officers or employees of the division whom he may designate.

(c) Upon the conclusion of such hearing, the chief of the ^{Findings.} division of motor vehicles, or the person or persons holding such hearing on his behalf, shall prepare findings based upon the evidence received and considered. If the findings are to the effect that the person referred to therein is a reckless or negligent driver or that he is incompetent or unfit to operate a motor vehicle because of mental or physical infirmities or disabilities or for other reasons, the division shall thereupon suspend such license for a period not to exceed six months or may revoke such license, and in either event shall require that such license certificate be surrendered to the division.

(d) If in any case the respondent shall fail to appear at ^{Failure to appear} the time and place fixed for any such hearing as is provided in this section, he shall be in default, and if in the opinion of the chief of the division or of the person or persons holding such hearing on his behalf there is sufficient reason therefor, the license of the respondent may be ordered revoked or suspended, whereupon the division shall upon notice of such order revoke or suspend such license, as the case may be.

(e) The chief of the division or the person or persons holding ^{Evidence.} any such hearing may summon witnesses in behalf of the state and may administer oaths and take testimony, may cause depositions to be taken and may order the production of books, papers, agreements and documents.

The fees for the attendance and travel of witnesses shall be the same as for witnesses before the superior court and shall be paid by the state upon demand by the division filed with the controller.

(f) The supreme court, any district court of appeal or ^{Enforcement of orders.} any superior court shall have jurisdiction upon the application of the division to enforce all lawful orders of the division under this section.

(g) Upon the expiration of the period of the suspension of any license as hereinbefore in this section provided for, the division shall return to the licensee his license certificate, or in its discretion may issue to him a new certificate; and in like manner the division shall return to any chauffeur, whose license badge may have been forwarded to the division upon suspension of his license, such license badge or issue to such licensee a new badge. ^{Reissue of license or badge.}

Sec. 74. Misdemeanor to drive motor vehicle while license ^{Driving while license suspended.} suspended or revoked. Any person whose operator's or chauffeur's license has been suspended or revoked as provided in this act, and who shall drive any motor vehicle upon the pub-

lic highways of this state while such license is suspended or revoked, shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail for not less than five, nor more than ninety days.

Unlicensed minor not to drive.

SEC. 75. Unlawful to permit unlicensed minor to drive motor vehicle. It shall be unlawful for any person to cause or knowingly to permit his or her child or ward under the age of twenty-one years or any employee to drive a motor vehicle upon the public highway, whether as operator or chauffeur, unless such child, ward or employee shall have first obtained a license to so drive a motor vehicle under the provisions of this act.

Unlawful to employ unlicensed chauffeur.

SEC. 76. Unlawful to employ unlicensed chauffeur. No person shall employ for hire as a chauffeur of a motor vehicle, any person not licensed as in this act provided. No person shall authorize or knowingly permit a motor vehicle owned by him or under his control, to be driven by any person who has no legal right to do so or in violation of the provisions of this act.

TITLE VII.

REGISTRATION AND LICENSE FEES.

Section No.

- 77. Registration fees.
- 78. Exempt from registration fees.
- 79. Fees for registration under manufacturer's or dealer's distinguishing number.
- 80. Fees for transfer of registration and for duplicate number plate or registration certificates.
- 81. When fees delinquent, penalties; seizure and sale of vehicle.
- 82. Fees for chauffeurs' licenses and duplicate operators' and chauffeurs' certificates.

Registration fees.

SEC. 77. Registration fees. (a) A registration fee of three (3) dollars shall be paid to the division for the registration of every motor vehicle, trailer or semi-trailer, except for those which are exempted in this act, and such fee shall be paid at the time application is made for registration.

Electric vehicles.

(b) A registration fee of ten dollars shall be paid for the registration of every electric passenger motor vehicle and a registration fee of fifty dollars shall be paid for the registration of every electric motor vehicle designed and used for the transportation of passengers for hire or for the transportation of property. Such fees shall be in addition to the fees specified in subdivision (a) of this section.

Vehicles for transportation for hire.

(c) The following registration fees in addition to the registration fees specified in subdivision (a) of this section shall be paid for the registration of vehicles, including trailers and semi-trailers other than light camping semi-trailers, designed, used or maintained primarily for the transportation of passengers for hire, or for the transportation of property, according to the following table:

When such vehicles are equipped wholly or partly with other than pneumatic tires:

For each such vehicle weighing, when unladen, less than 3000 pounds-----	\$10.00
For each such vehicle weighing, when unladen, 3000 pounds or more but less than 6000 pounds---	20.00
For each such vehicle weighing, when unladen, 6000 pounds or more but less than 10,000 pounds	30.00
For each such vehicle weighing, when unladen, 10,000 pounds or more -----	40.00

When such vehicles are equipped wholly with pneumatic tires there shall be paid in addition to the fees specified in subdivision (a) of this section fees according to the weight thereof unladen amounting to one-half the fees set forth in the foregoing table.

For the purposes of this section, a vehicle weighing less than 3000 pounds unladen and equipped with cushion tires shall be deemed to be equipped with pneumatic tires.

(d) If the license tax provided for by that certain act entitled "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith," heretofore or hereafter adopted by the legislature at its forty-fifth session is held by the supreme court of the State of California, or by the supreme court of the United States, to be unconstitutional then beginning with the first year next succeeding the date upon which such decision becomes final there shall be paid upon and for the registration and reregistration of every motor vehicle with the division of motor vehicles, in addition to any other fees imposed by law, a registration fee of five dollars for every electric motor vehicle and for every other motor vehicle a fee amounting to the sum of forty cents for each horsepower or major fraction thereof of such motor vehicle and a proportionate amount thereof for the registration of such vehicle for a period of less than one year. The horsepower of any motor vehicle, except electric or steam driven vehicles, shall be determined by the formula commonly known as that of the association of licensed automobile manufacturers (A. L. A. M.), being as follows: square the diameter of the cylinder in inches, multiply by the number of cylinders, and divide by two and five-tenths; *provided*, that for the purposes hereof the horsepower of any steam driven motor vehicle shall be the horsepower rating fixed and advertised by the manufacturer thereof. In the event that registration fees for electric motor vehicles and fees based on horsepower as hereinabove specified shall be collected, all such fees shall be paid into the motor vehicle fund of the State of California, and shall be distributed and used for such purposes as may be provided by law for the distribution and use of said motor vehicle fund; *and provided, further*, that in the event the provisions of this section, relative

Fees to be charged in case foregoing is declared unconstitutional.

to registration fees, based upon horsepower rating, shall become effective the provisions of this section contained in subdivisions (a) and (b) shall be deemed to be superseded.

Exemptions from fees.

SEC. 78. Exempt from registration fees. The registration fees specified in this act need not be paid for any motor vehicle, trailer or semi-trailer owned by any foreign government or by a consul or other official representative thereof, or by the United States or by any state or political subdivision thereof, nor for any like vehicle owned by and used exclusively in the operative work of such corporations as are taxed solely for state purposes under the constitution of this state. All such vehicles shall be registered as herein required by the person having the custody thereof and such custodian shall display official registration plates bearing distinguishing marks thereon which shall be furnished by the division free of charge.

Fees to be paid by manufacturers and dealers.

SEC. 79. Fees for registration under manufacturer's or dealer's distinguishing number. The following fees shall be paid to the division for the registration of vehicles permitted by this act to be registered and registered under a general distinguishing number assigned to a manufacturer of or dealer in motor vehicles, in lieu of any other fees specified in this act; and such fees shall be paid at the time application is made for registration and for additional plates according to the following table:

- (a) For the registration of motor vehicles other than motorcycles—
 - For the first set of number plates..... \$5.00
 - For each additional set of number plates..... 3.00
- (b) For the registration of motorcycles—
 - For the first number plate..... 5.00
 - For each additional number plate..... 1.00
- (c) For the registration of trailers or semi-trailers—
 - For the first plate..... 5.00
 - For each additional number plate..... 1.00

Fees for: (a) transfer of registration.

SEC. 80. Fees for transfer of registration and for duplicate number plate or registration certificate. (a) Upon the transfer of registration of a motor vehicle, trailer or semi-trailer, by an owner or legal owner there shall be paid a transfer fee of one dollar.

(b) duplicate plate or certificate.

(b) Whenever any certificate of registration or of ownership or container for a registration certificate or number plate shall be lost or destroyed and a duplicate thereof shall be issued upon application the following fees shall be paid:

- For a certificate of registration or ownership.... \$0.50
- For a container for a registration certificate..... .25
- For every number plate..... 1.00

When fees delinquent.

SEC. 81. When fees delinquent; penalties; seizure and sale of vehicle. (a) Whenever any vehicle shall be operated upon the public highways of this state without there having been

paid therefor the registration or transfer fee required by this act, such fee shall be deemed delinquent, and if such fee shall not be paid within thirty days after the same becomes delinquent a penalty equal to such fee shall be added thereto and collected. Penalty.

(b) Every registration or transfer fee and any penalty added thereto shall from the date the same are due constitute a lien upon the vehicle upon which the same are due, and the division is hereby empowered and it shall be its duty to collect such fee and penalty by seizure of such vehicle from the person in possession thereof, if any, and by the sale of such vehicle. Seizure and sale of vehicle.

The seizure and sale herein authorized shall be conducted and carried out by the division in the same manner as is provided by law for the seizure and sale of personal property by the tax collector for the collection of taxes due on personal property.

SEC. 82. Fees for chauffeurs' licenses and duplicate operators' and chauffeurs' certificates. The following fees shall be paid to the division upon application for and before issuance of a chauffeur's license and badge or a duplicate operator's or chauffeur's certificate or chauffeur's badge: Fees for chauffeurs' licenses and duplicate certificates.

For a chauffeur's license with chauffeur's badge	\$2.00
For a duplicate chauffeur's badge	1.00
For a duplicate operator's or chauffeur's license certificate	.50

TITLE VIII.

REGULATIONS CONCERNING THE CONSTRUCTION AND EQUIPMENT OF VEHICLES.

Section No

83. Width of vehicles.
84. Loads beyond hub caps of passenger vehicles.
85. Gross weight of vehicles and loads.
86. Gross weight per inch of width of tire.
87. Officer may require removal of excess load.
88. Authority of local bodies to regulate weight limits declared.
89. Restrictions as to tire equipment.
90. Trailers.
91. Permits for greater weights.
92. Load weights on bridges.
93. Responsibility for damage to highway or bridges.
94. Brakes.
95. Horns or warning devices.
96. Prevention of noise, smoke, etc.
97. Mirrors.
98. Windshields on commercial vehicles.
99. Vehicles must be equipped with lights.
100. Motor vehicles to have headlights.
101. Construction, arrangement and adjustment of headlights.
102. Headlight devices to be tested.
103. Headlights on motorcycles.
104. Acetylene headlights.
105. Bicycle lamps.
106. Rear lights.
107. Lights on other vehicles.
108. Spot lights.
109. When lights not needed on parked vehicles.
110. Light or flag on projecting load.
111. No red light at front.

Width of
vehicles.

SEC. 83. Width of vehicles. (a) No vehicle except as herein otherwise provided shall be driven or moved upon any public highway if the total outside width of said vehicle or the load thereon shall exceed ninety-six inches, *provided, however,* that any city now or hereafter organized under a free holders charter may permit an increase beyond the maximum hereinbefore described of the total outside width of vehicles and any loads thereon.

Exceptions.

(b) The limitation heretofore prescribed as to the maximum width of vehicles and their loads shall not apply to implements of husbandry temporarily drawn, propelled or moved upon the public highway, nor to loads not exceeding ten feet in width of loosely piled material not crated, baled, boxed, sacked nor carried otherwise than loosely in bulk, transported upon vehicles the extreme width of which including any loading racks thereon shall not exceed one hundred twenty inches.

(c) Anything to the contrary herein notwithstanding, it shall be lawful to operate passenger or property carrying vehicles in operation at the time of the passage of this act which exceed a width of ninety-six inches but do not exceed a width of one hundred and two inches when operated upon highways which exceed fifteen feet in width.

Loads
beyond
hub caps.

SEC. 84. Loads beyond hub caps of passenger vehicles. No vehicle designed for the carrying of passengers shall be operated upon any public highway having any luggage, package, trunk, crate, box or any other load carried thereon extending beyond the line of the hub caps on the left side of such vehicle nor extending more than six inches beyond the line of the hub caps on the right side thereof.

Gross
weight.

SEC. 85. Gross weight of vehicles and loads. (a) No vehicle shall be operated or moved upon any public highway which has a total weight, including vehicle and load, in excess of twenty-two thousand pounds when such vehicle is equipped with four wheels running on the highway, or having a total weight, including the vehicle and load, of thirty-four thousand pounds when said vehicle is equipped with six wheels and with three axles, and when the front and rear axles are not less than ninety-six inches apart, or with eight wheels and with four axles when the second and third axles are not less than ninety-six inches apart; and no vehicle or other object or contrivance for moving loads which has a total weight including any load thereon in excess of thirty-four thousand pounds shall be operated or moved upon any public highway unless upon stationary rails or tracks.

Exception.

(b) Any vehicle equipped with four wheels, all of which are cushion wheels running on the highway, may be operated upon the public highway when the gross weight of such vehicle and load does not exceed twenty-three thousand pounds.

Limitation

(c) Anything in this section to the contrary notwithstanding, it shall be lawful to operate until midnight on the thirty-first day of December, one thousand nine hundred twenty-six,

any vehicle weighing, when unladen, ten thousand pounds or more, registered at the time this section becomes effective which has a total weight including vehicle and load not in excess of twenty-four thousand pounds when such vehicle is equipped with four wheels running on the highway.

(d) Vehicles with a permissible gross weight of twenty-four thousand pounds shall have painted on both sides and rear the words and numerals: "Capacity 24,000 lbs." in lettering not less than three inches in height. The certificates of such vehicles shall bear the original manufacturer's or dealer's sales date, which shall be verified by the division.

Capacity signs.

SEC. 86. Gross weight per inch width of tire. (a) No vehicle equipped with tires of any material other than metal shall be operated or moved upon any public highway when the weight of such vehicle, and any load thereon, resting upon the surface of the highway exceeds seven hundred pounds upon any inch of the channel base width of tire; and no vehicle equipped with tires, rollers or wheels, the rolling surface of which resting upon the highway is made in whole or in part of metal, shall be operated or moved upon any public highway when the weight of such vehicle, and any load thereon, resting upon the surface of the highway exceeds five hundred pounds upon any inch of width of tire, roller or wheel of such vehicle except that a horse drawn vehicle equipped with metal tires may be moved upon the highway when the weight of such vehicle, including any load thereon, does not exceed seven hundred pounds upon any inch of width of tire of such vehicle.

Gross weight per inch width of tire.

(b) The provisions of this section shall not apply to traction engines or tractors the propulsive power of which is exerted not through wheels resting upon the ground but by means of a flexible band or chain known as a movable track, when the portions of the movable tracks in contact with the surface of the highway present plane surfaces.

Exceptions.

SEC. 87. Officer may require removal of excess load. Any peace officer may require the driver of any vehicle driven upon the public highway in violation of the provisions of sections eighty-five or eighty-six of this act to immediately unload such portion of the load thereon as may be necessary to decrease the gross weight of any such vehicle and load to the maximum weight therefor specified in this act; *provided*, such officer shall have first determined that the gross weight of such vehicle is excessive, by actually weighing said vehicle and load either by the use of loadometers or in the event that the nearest public scales are within five miles, then upon such public scales.

Removal of excess load.

Any peace officer may require the driver or person in control of any vehicle to drive such vehicle to the nearest public scales to be designated by such officer for the purpose of establishing the weight and the load of any such vehicle.

SEC. 88. Authority of local bodies to regulate weight limits declared. The legislative body of any county or city shall have

Regulation of weight limits by local bodies.

power by ordinance to permit the operation and moving of vehicles and loads upon public highways and streets under their respective jurisdictions other than upon state highways of a maximum gross weight in excess of the maximum gross weight of vehicles and loads specified in section eighty-five of this act but shall have no power to require lighter loads than specified in this act on any improved public highway as such highway is defined herein, except as in this section otherwise provided.

Powers of highway commission.

The state highway commission shall also whenever in its judgment after an engineering investigation, any state highway will with safety to itself sustain vehicles and loads weighing more than the maximum weight limit set forth in section eighty-five of this act, have power to so declare and to fix a weight limit for such highway greater than the maximum weight limit specified in said section, and it shall thereafter be lawful to operate or move vehicles and loads of a gross weight upon such state highways so designated by the state highway commission equal to but not in excess of the maximum weight limit fixed by said highway commission.

Lawful weights.

This act is intended to and shall be construed as permitting, authorizing and declaring that it shall be lawful, subject to other provisions of this act, to operate and move upon state highways and improved county highways as defined in this section vehicles whose total weight including loads do not exceed the weight limit set forth in section eighty-five of this act.

Reduction of permissible weights.

Boards of supervisors in their respective counties may by ordinance reduce the permissible weight of vehicles and loads operated or moved upon unimproved county highways or upon bridges and may reduce the permissible weight of vehicles and loads operated or moved upon so much of any improved county highway in their respective counties which by reason of deterioration will be destroyed unless such loads are reduced; *provided, however,* that such reduction in weights on improved highways shall not extend for more than a period of ninety days unless actual repairs are begun within such time and thereafter maintained continuously; *and provided, further,* that in the event any person shall protest in writing to the clerk of such board of supervisors within fifteen days after the adoption of the ordinance reducing such weight then such reduction in weight shall not become effective unless and until the California highway commission after a notice of at least five days to such protestant and after a hearing which shall be held in the county in which such highway is located concurs in such action of said board of supervisors in such reduction. It shall be the duty of said California highway commission to hold such hearing within twenty-five days after being requested so to do by the board of supervisors. Whenever any weight limit different from those specified in this act is fixed in accordance with this section the board of supervisors shall cause signs

indicating the maximum gross weight allowed to be erected at each end of that portion of any county highway upon which the permissible gross weight is altered as herein provided.

For the purposes of this act an improved highway is hereby defined to be a highway paved with cement concrete, or asphaltic concrete, or a highway having a hard surface and distinct roadway not less than four inches thick made up of a mixture of rock, sand, or gravel bound together by an artificial binder other than natural soil.

SEC. 89. Restrictions as to tire equipment. (a) Whenever any vehicle or other contrivance equipped with solid rubber tires shall be driven or moved upon any public highway, such solid rubber tire shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.

(b) No tire on any vehicle driven or moved upon any public highway shall have on its periphery any block, stud, flange, cleat, ridge, bead or any other protuberance of metal or wood which projects beyond the tread of the traction surface of the tire; but this subsection shall not be so construed as to prohibit the use of tire chains of reasonable proportions on vehicles when required for safety because of snow or ice or other conditions tending to cause such vehicle to slide or skid. The provisions of this subsection shall not apply to vehicles actually engaged in the construction or repair of public highways when operated on unimproved portions of the public highways, and this subsection shall not apply to traction engines or tractors the propulsive power of which is exerted not through wheels resting upon the ground but by means of a flexible band or chain known as a movable track and having transverse corrugations upon the periphery of such movable tracks when such traction engines or tractors are moved or operated under the conditions of a permit first obtained from the department of public works of the State of California, or from the proper authorities in charge of or having jurisdiction over such highways.

SEC. 90. Trailers. (a) No motor vehicle or motor unit composed of a tractor and semi-trailer shall be driven upon any public highway drawing or having attached thereto more than one trailer or other vehicle nor shall the total combined length of any such motor vehicle or motor unit and trailer or other vehicle exceed sixty feet except that this limitation shall not apply to implements of husbandry temporarily moved upon the highway.

(b) The draw-bar or other connection between any two vehicles one of which is towing or drawing the other shall not exceed fifteen feet in length from one vehicle to the other and whenever such connection shall consist of a chain, rope or cable there shall be displayed upon such connection a red flag

"Improved
highway"
defined.

Tire re-
strictions.

Trailers.

Connection
between
vehicles.

or cloth not less than twelve inches in length nor less than twelve inches in width.

Permits for heavier or wider loads.

SEC. 91. Department of public works may issue permits allowing greater weights. Upon application in writing to the department of public works or to the proper authorities in charge of, or having jurisdiction over a public highway, such department or authorities may in their discretion issue a special permit to the owner or operator of any vehicle allowing heavier or wider loads than hereinabove in this section or elsewhere in this act permitted to be moved or carried over and on the public highways and bridges, or allowing more than one trailer to be drawn by a motor vehicle; and may also issue such special permit to increase the permissible weights per inch of width of tire and may also permit the use of corrugations on the periphery of the movable tracks of traction engines or tractors propelled not by wheels resting upon the ground but by flexible bands or chains. Such permits shall be in writing and they may limit the time of use and operation over the particular highways and bridges which may be traversed and may contain such special conditions and provisions and require such undertaking or other security as the said department of public works shall deem to be necessary to protect the public highways and bridges from injury, or provide indemnity for any injury resulting from such operation. All such special permits shall be carried in the vehicles to which they refer and shall upon demand be open to the inspection of any peace officer, any authorized agent of the department of public works or of the division, or any officer or employee charged with the care or protection of the public highways. It shall be unlawful for any person to violate, or to cause or permit to be violated, the limitations or conditions of such special permits and any such violation shall be deemed for all purposes to be a violation of the provisions of this act.

Exceeding weight capacity of bridges, etc.

SEC. 92. Unlawful to exceed weight capacity of bridges, etc. It shall be unlawful for the owner, operator, driver or mover of any vehicle, object or contrivance to move, operate or drive the same over any public bridge, causeway, viaduct, trestle or dam, the weight of which vehicle, object or contrivance is greater than the maximum load which can, with safety to such bridge, causeway, viaduct, trestle or dam, be carried thereon. Whenever in the judgment of the California highway commission, any public bridge, causeway, viaduct, trestle or dam can not, with safety to itself, sustain the maximum loads permitted under this act or upon the request of any board of supervisors or any other body having jurisdiction thereof, it shall be the duty of the California highway commission to cause an engineering investigation to be made and to publicly hear and consider the results thereof, and any other evidence that may be offered, as to the load capacity of such bridge, causeway, viaduct, trestle or dam, and to determine and declare in writing the maximum load capacity thereof. Such commission shall, if it finds and declares such

Duty of highway commission.

bridge, causeway, viaduct, trestle or dam incapable of sustaining loads permitted by this act, cause or permit suitable signs to be erected and maintained specifying the maximum load which such bridge, causeway, viaduct, trestle or dam is capable of sustaining, such signs to be placed at a distance of not less than one hundred feet or more than one hundred fifty feet from each of the approaches thereto. Upon the trial of any person charged with violating the provisions of this section, a certified copy of the finding of such commission shall be prima facie evidence as to the load capacity of such bridge, causeway, viaduct, trestle or dam; upon such trial it shall also be necessary for the prosecution to prove the erection and existence, in accordance with the terms hereof, of the signs herein specified.

Sec. 93. Responsibility for damage to highway or bridge. Anything to the contrary herein notwithstanding, the owner and the operator, driver or mover of any vehicle, object or contrivance over a public highway or bridge, shall be jointly and severally responsible for all damages which said highway or bridge may sustain as the result of illegally operating or driving or moving such vehicle, object or contrivance, or as the result of driving or moving any vehicle, object or contrivance weighing in excess of the maximum weight specified in this act, but authorized by a temporary permit, and the amount of such damages may be recovered in an action at law by the authorities in control of such highway or bridge.

Responsibility for damage to highway or bridge.

Sec. 94. Brakes. Every motor vehicle operated upon a public highway shall be provided at all times with brakes which shall be adequate to promptly check the speed of and to stop such motor vehicle.

Brakes.

Sec. 95. Horns or warning devices. (a) Every motor vehicle when operated upon the public highways shall be equipped with a bell, gong or horn in good working order capable of emitting sound audible under normal conditions for a distance of not less than two hundred feet.

Warning device.

(b) Every police and fire department vehicle, every ambulance and every fire warden vehicle shall at all times be equipped with a siren of a type which shall have been approved by the division. It shall be unlawful for any other vehicle to be equipped with or use such a device.

Use of sirens.

Sec. 96. Prevention of noise, smoke, etc. (a) Every motor vehicle shall have devices in good working order which shall be at all times in constant operation to prevent excessive or unusual noise, annoying smoke and the escape of gas, steam or oil, as well as the falling out of residue from fuel. All exhaust pipes carrying exhaust gases from the engine shall be directed parallel to the ground or slightly upward. It shall be unlawful to use a "muffler cut-out" on any motor vehicle when within a business or residence district. The provisions of this subsection shall not apply to police or fire department vehicles.

Prevention of noise, smoke, etc.

(b) No vehicle shall be operated on any public highway unless it is so constructed as to prevent its contents from dropping, sifting, leaking or otherwise escaping from such vehicle.

Mirrors.

SEC. 97. Mirrors. No person shall drive any motor vehicle upon a public highway that is so covered, loaded or constructed as to obscure the driver's view of the highway to the rear nor any vehicle which is so covered, loaded or constructed that any portion thereof to the rear of the driver projects more than twelve inches beyond the extreme outside of the driver's position in the driver's seat, unless there is placed on said vehicle a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet behind such vehicle.

Windshields.

SEC. 98. Windshields on commercial vehicles. Every motor vehicle used for commercial purposes shall be equipped with an adequate windshield.

Lights.

SEC. 99. Vehicles must be equipped with lights. Every vehicle when upon any public highway within this state during the period from a half hour after sunset to a half hour before sunrise and at any other time when there is not sufficient light to render clearly discernible a person, vehicle or other substantial object on the highway at a distance of two hundred feet ahead, shall be equipped with lighted lamps and lighted headlights as herein respectively provided for different classes of vehicles and subject to such exceptions as are set forth in this act.

Headlights.

SEC. 100. Motor vehicles must be equipped with headlights. (a) Every motor vehicle other than a motorcycle, or farm tractor and except as otherwise provided herein, shall be equipped with two headlights of approximately equal candle-power at the front of and on opposite sides of such vehicle. Such headlights shall be so attached to such motor vehicle that the centers thereof shall be not more than fifty inches above the level surface upon which the vehicle stands.

"Headlight" defined.

(b) The term "headlight" as used herein shall denote a light located upon the front or other portion of a vehicle, the rays of which are projected forward, other than a side light or a spot light.

"Side-lights."

(c) Motor vehicles may also be equipped with two side lights but no more or less. The term "side lights" shall include any lights upon a motor vehicle other than headlights or spot lights the rays of which project forward. No electric lamps or bulbs shall be used in any side light which exceeds four candle power.

Construction, arrangement and adjustment of headlights.

SEC. 101. Construction, arrangement and adjustment of headlights. The headlights of motor vehicles shall be so constructed, arranged and adjusted that they will at all times mentioned in section 99 and under normal atmospheric conditions produce ample driving light for the use of the operator of such vehicle but will not project a glaring or dazzling light

to persons approaching such lights or to persons whom such headlights may approach.

Headlights shall be presumed to comply with this section if they comply with the following requirements and limitations when the vehicle upon which they are affixed is fully loaded; such compliance shall be presumed if such headlights are affixed to such vehicle in the manner required by this act and are of a type, or are equipped with lenses, reflectors or control devices which have been found to meet such requirements and limitations by the laboratory test provided in section one hundred two and when used in accordance with the instructions of the testing agency.

The light projected by such headlights shall be as follows:

1. In the median vertical plane parallel to the lamps on a level with the centers of the lamps, not less than one thousand eight hundred apparent candle power.

2. In the median vertical plane, one degree of arc below the level of the center of the lamps, not less than seven thousand two hundred apparent candle power and there shall not be less than seven thousand two hundred apparent candle power anywhere on the horizontal line through this point one degree to the left or to the right of this point.

3. In the median vertical plane one degree of arc above the level of the center of the lamps not more than fifteen hundred, nor less than five hundred, apparent candle power.

4. Four degrees of arc to the left of the median vertical plane and one degree of arc above the level of the center of the lamps not more than eight hundred apparent candle power.

5. One and one-half degrees of arc below the level of the center of the lamps and three degrees of arc to the left and to the right respectively of the median vertical plane not less than five thousand apparent candle power nor less than this amount anywhere on the line connecting these two points.

6. Three degrees of arc below the level of the center of the lamps and six degrees of arc to the left and to the right, respectively, of the median vertical plane not less than two thousand apparent candle power nor less than this amount anywhere on the line connecting these two points.

SEC. 102. Headlight devices to be tested. (a) Before any headlight lens, reflector or headlight control device intended to enable a headlight to comply with the provisions of this act shall be used upon any motor vehicle, such headlight lens, reflector or headlight control device shall first be submitted to and tested by a testing agency appointed by the division and a certificate of approval as hereinafter specified be procured from such testing agency.

Testing of
headlight
devices.

(b) The division shall appoint skilled deputies or agents possessing the proper qualifications and laboratory equipment to carry out the tests specified in this act.

(c) Any person, firm or corporation may submit to the chief of the division of motor vehicles a headlight lens, reflector or headlight control device and make application that the same

be tested as to conformity with the requirements of this act. Upon such application being made, the chief of the division of motor vehicles shall upon notice to the applicant submit such device to a testing agency appointed as herein provided with the request that such device be tested as to conformity with the provisions of this act. Each such applicant shall upon the filing of his application pay to the division a fee of fifty dollars. All such fees shall be paid by the division into the state treasury and deposited in a fund to be known as the motor vehicle testing fee fund, and the moneys in such fund, or so much of them as may be necessary, are hereby appropriated to meet the expenses of the test provided for in this section, and the balance thereof, if any, shall be paid into the motor vehicle fund.

(d) The testing agency shall conduct an exact scientific and laboratory test of every device submitted to it as herein provided, using twenty-one standard candlepower lamp or bulb or thirty-two standard candlepower lamp or bulb, or any standard candlepower lamp or bulb between these two limits, and determine whether or not the device will conform with the requirements of this act when used in accordance with instructions of the testing agency, stating the candlepower lamp or bulb and any particular adjustments to be used in connection with such device.

Report
on test.

(e) Whenever the division shall receive from the testing agency a report that a particular device has been tested and approved, together with instructions as to the candlepower lamp or bulb and any particular adjustments to be used in connection with such device, the division shall issue to the applicant a certificate of approval, together with a copy of the instructions of the testing agency relative to the use of such device. The chief of the division may refuse approval to any device which in his opinion will be, in actual use, unsafe or impractical, but upon any such refusal must furnish the applicant a detailed statement signed by him setting forth the reasons for such refusal.

(f) The chief of the division of motor vehicles shall transmit a copy of every certificate of approval of a headlight device, together with a copy of the instructions of the testing agency in connection therewith, to the county clerk of every county within the State of California, who shall file the same, and to every city, town or county police department, whose duty it is to enforce the provisions of this act.

Complying
with require-
ments after
arrest.

(g) Any person using a headlight device in connection with the headlights upon a motor vehicle, which device has been approved by a testing agency as herein provided and who shall be arrested upon a charge that such headlights are equipped with excessive candlepower lamp or bulb not approved for use in connection with such device by the testing agency or that such headlights are not properly focused or adjusted to conform to the requirements of this act, shall be

released from custody or excused from appearing in court and such charge shall be dismissed upon the submission by him to the appropriate justice of the peace or district attorney or other prosecuting attorney of satisfactory evidence showing that he has within twenty-four hours after such arrest caused such headlights to conform with the requirements of this act.

(h) Whenever the division shall receive one or more complaints in writing that any headlight lens, reflector or headlight control device sold commercially which is hereafter or which has heretofore been approved by the division does not under ordinary conditions of use comply with the requirements of this act, the division in its discretion may upon notice to the manufacturer thereof require that such headlight lens, reflector or headlight control device shall be retested by a testing agency appointed by the division as herein provided and, upon any such retest the testing agency shall determine whether or not such headlight lens, reflector or headlight control device meets the requirements of this act, and, if the same is approved, the division shall issue a certificate of approval to the manufacturer thereof. No fee shall be charged for any such retest.

(i) From and after the date upon which this section becomes effective it shall be unlawful to sell or offer for sale any headlight lamp or headlight equipment unless it is of a type which shall have been approved by the division under the provisions hereof, and unless such device is accompanied by a printed sheet of instructions describing the device in detail, its method of mounting and adjustment, candlepower limits of lamps to be used and any other adjustment that may be necessary to insure its conformity with the requirements of this act, and with the conditions specified in the report of the testing agency appointed by the chief of the division to test such headlight control device, such instructions shall be printed with photographs of the (a) lens or control device, (b) pattern of light from one headlight thrown on regulation testing screen both with and without the device, showing the relation of the patterns of light as projected in each case to a horizontal cross line placed across the face of such screen at a height equal to the height of the center of such headlight, and with the headlight adjusted for tilt and focus exactly as required to conform to the requirements of this act. It shall be unlawful from and after the date upon which this section becomes effective to sell or offer for sale any new motor vehicle equipped with headlights which do not comply with the provisions of this act.

Nothing in this act shall be construed as preventing the use on a motor vehicle of any headlight lamp, device or equipment heretofore approved by the division until December 31, 1924, unless such approval is revoked in accordance with the provisions hereof. After December 31, 1924, it shall be unlawful to use on any highway in this state any headlight lamp, device

or equipment which shall not have been approved by the division as in this act provided.

Headlights
on motor-
cycles.

SEC. 103. Headlights on motorcycles. Every motorcycle at the times and under the conditions specified in section ninety-nine shall be equipped with at least one lighted headlight and not more than two, which shall conform to the provisions of sections one hundred and one hundred one, relating to headlights for automobiles.

When only one headlight is used such headlight shall be deemed to comply with this act if it complies with the requirements and limitations hereinbefore set forth for two headlights except that it need project only half the candlepower of light specified in the second, fifth and sixth provisions of such requirements and limitations as set forth in section one hundred and one hereof.

Acetylene
headlights.

SEC. 104. Acetylene headlights. Any motor vehicle equipped with acetylene headlights shall be deemed to have complied with the provisions of this act, concerning headlights, anything to the contrary notwithstanding, when such vehicle has two acetylene lamps at the front portion thereof, of approximately equal candlepower which shall be lighted at the times and under the conditions specified in section ninety-nine, and are fitted with clear plane glass fronts, bright six inch spherical mirrors and standard acetylene five-eighths foot burners, not more and not less, and which must throw sufficient light ahead to make clearly visible all vehicles, persons or substantial objects upon the roadway within a distance of two hundred (200) feet but must not project a glaring or dazzling light to persons approaching such lights or to persons whom such headlights may approach.

Any motorcycle equipped with an acetylene headlight shall be deemed to have complied with the provisions of this act, anything to the contrary notwithstanding, when such motorcycle has one acetylene lamp at the front thereof, which shall be lighted at the times and under the conditions specified in section ninety-nine, and is fitted with a clear plane glass front, bright, six-inch spherical mirror and a standard acetylene one-half or five-eighths foot burner, and which must throw sufficient light ahead to make clearly visible all vehicles, persons or substantial objects upon the roadway within a distance of one hundred fifteen feet (115), but must not project a glaring or dazzling light to persons approaching such light or to persons whom such headlight may approach.

If the inclusion of this section is ever held to render any other provision of this act unconstitutional, then this section shall be regarded as stricken from this act so that the other provision may remain in force.

Bicycle
lamps.

SEC. 105. Bicycle lamps. Every bicycle at the times and under the conditions stated in section ninety-nine shall be equipped with a lamp visible under normal atmospheric conditions at least three hundred feet in the direction toward which such bicycle is faced, and shall also carry at the rear

of such bicycle a reflex mirror or a lamp exhibiting a red light plainly visible under normal atmospheric conditions for a distance of at least two hundred feet toward the rear.

SEC. 106. Rear lights. Every motor vehicle and every trailer or semi-trailer, which is being drawn at the end of a train of vehicles, at the times and under the conditions specified in section ninety-nine, shall carry at the rear a lighted lamp exhibiting a red light plainly visible under normal atmospheric conditions for a distance of five hundred feet toward the rear and so constructed and placed that the number plate carried on the rear of such motor vehicle or trailer shall be illuminated by a white light in such manner that the number plate thereon can be plainly distinguished under normal atmospheric conditions at a distance of not less than fifty feet toward the rear. Rear lights.

SEC. 107. Lights on vehicles not otherwise mentioned. All vehicles not hereinbefore required to be equipped with lights shall at the times and under the conditions specified in section ninety-nine carry at the front thereof one or more lighted lamps or lanterns exhibiting a white light so arranged that said lamps or lanterns shall be plainly visible under normal atmospheric conditions for a distance of not less than five hundred feet from in front of such vehicle, and every such vehicle shall carry at the rear a red light which shall be plainly visible under like conditions for a distance of not less than five hundred feet from the rear of such vehicle. Lights on other vehicles.

SEC. 108. Spotlights. (a) The term "spotlights" as used herein shall denote any light on a motor vehicle, the rays of which are projected forward, except headlights and side lights. Spotlights.

(b) All spotlights used on motor vehicles shall be affixed to such vehicle in such a manner that the centers thereof shall be not less than fifty, nor more than seventy-two, inches above the level surface upon which the vehicle stands and shall be so constructed and arranged that no portion of the main substantially parallel beam of light when measured one hundred feet or more ahead of said lights shall rise or shall be capable of being raised from the front seat to more than forty-two inches above the level surface of the highway upon which the vehicle stands directly ahead of such vehicle. The provisions of this subsection shall not apply to police or fire department vehicles.

SEC. 109. When lights not needed on parked vehicles. (a) Whenever there is sufficient light within the lateral boundaries of the public highway within a business or a residence district as herein defined to reveal all persons, vehicles or substantial objects within said boundaries for a distance of two hundred feet, no lights shall be required to be displayed on any vehicle upon a public highway while the same is not in motion, provided that a right hand wheel of such standing vehicle is located within twelve inches of the right hand curb. Lights not needed on parked vehicles, when.

(b) Outside of a business or a residence district as herein defined and during the times specified in section ninety-nine,

a rear light meeting the requirements of section one hundred six must be displayed.

(c) Headlights need not be displayed upon any vehicle upon a public highway while the same is not in motion, provided that a right hand wheel of such standing vehicle is located within twelve inches of the right hand curb.

Light or
flag at
end of
load.

SEC. 110. Light or flag at end of load. (a) Whenever any vehicle shall be loaded with any material in such a manner that any portion of such load extends toward the rear four feet or more beyond the rear of the bed or body of such vehicle, there shall be displayed at the extreme end of the load at the times and under the conditions specified in section ninety-nine, in addition to the ordinary rear light hereinbefore required to be displayed on such vehicle, a red light plainly visible under normal atmospheric conditions at least two hundred feet from the rear, and at all other times while such vehicle is upon the highway a red flag or cloth not less than sixteen inches in width shall be displayed at the extreme rear of said load as a warning signal to persons operating vehicles approaching from the rear.

Light on
left side
of load.

(b) Whenever any vehicle shall be loaded with any article, implement of husbandry or any material in such a manner that any portion of such load or of such vehicle extends more than one foot beyond the front hub cap on the left side of such vehicle there shall be displayed at the extreme left side of such vehicle or such load at the times and under the conditions specified in section ninety-nine, a lighted lantern or other light plainly visible under normal atmospheric conditions for at least two hundred feet from in front and for a like distance from the rear of such vehicle. No such light shall project a light greater than four apparent candlepower.

No red
light at
front.

SEC. 111. No red light at front. It shall be unlawful for any person driving or having the immediate control of any vehicle to drive the same upon any public highway with any red light visible from directly in front thereof. This section shall not apply to police or fire department vehicles.

TITLE IX.

REGULATIONS AS TO OPERATION OF VEHICLES.

Section No.

112. Persons under influence of liquor or drugs.
113. Restrictions as to speed.
114. Business and residence districts defined.
115. Business districts to be signposted.
116. Residence districts to be signposted.
117. Signs at railroad crossings.
118. Speed limit for vehicles regulated according to weight and tire equipment.
119. Unlawful to exceed speed limit which is safe on bridges.
120. When speed limits not applicable.
121. Reckless driving.
122. Drive on right side of highway.
123. Keep to right in crossing intersections or railroads.
124. Keep to right in passing.
125. Overtaking a vehicle.
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128. Turning around in street.
129. Turning at street intersections.
130. Signals on turning.
131. Right of way.
132. Police and fire vehicles have right of way.
133. What to do on approach of police or fire vehicles.
134. Passing street cars.
135. For hire passenger motor vehicle, school bus and motor truck carrying explosives or inflammables to stop at railroad and interurban crossings.
136. Stopping on highway.
137. Motor vehicle left unattended—brakes to be set, and engine stopped.
138. Parking near garage entrance, fire hydrant or fire station.
139. Mountain driving.
140. Caution in passing vehicles and animals.
141. Duty to stop in case of accident.
142. Duty to report accident.
143. Provisions applicable to persons riding animals.
144. Certain provisions apply to vehicles of state, counties and cities.
145. Powers of boards of supervisors and legislative bodies of cities.

SEC. 112. Persons under influence of liquor or drugs. No person who is under the influence of intoxicating liquor or who is an habitual user of narcotic drugs shall drive a vehicle on any public highway within this state. Any person violating the provisions of this section shall upon conviction be punished by imprisonment in the county jail for not less than ninety days nor more than one year or by imprisonment in the state prison for not less than one or more than three years or by a fine of not less than two hundred dollars nor more than five thousand dollars.

Drivers
under
influence of
liquor or
drugs.

Penalty.

SEC. 113. Restrictions as to speed. (a) Any person driving a vehicle on the public highways of this state shall drive the same at a careful and prudent speed not greater than is reasonable and proper, having due regard to the traffic, surface and width of the highway, and no person shall drive any vehicle upon a public highway at such a speed as to endanger the life, limb or property of any person.

Speed
restrictions.

(b) Subject to the provisions of subdivision (a) of this section and except in those instances where a lower speed is specified in this act, it shall be lawful for the driver of a vehicle to drive the same at a speed not exceeding the following:

1. Fifteen miles an hour in traversing a grade crossing of any steam, electric or street railway when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last one hundred feet of his approach to such crossing he does not have a clear and uninterrupted view of such railway crossing and of any traffic on such railway for a distance of four hundred feet in both directions from such crossing;

15 miles.

2. Fifteen miles an hour in traversing an intersection of highways when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last one hundred feet of his approach to such intersection he does not have a clear and uninterrupted view of such

intersection and of the traffic upon all of the highways entering such intersection for a distance of two hundred feet from such intersection;

3. Fifteen miles an hour in traversing or going around curves or corners of a highway when the driver's view is obstructed within a distance of two hundred feet along such highway in the direction in which he is proceeding;

4. Fifteen miles an hour when passing a school while persons are entering or leaving the grounds of such school;

5. Fifteen miles an hour in a business district as defined herein;

20 miles. 6. Twenty miles an hour in a residence district, as defined herein;

35 miles. 7. Thirty-five miles an hour under all other conditions.

(c) In all charges for a violation of this section, speeds in excess of those set forth in subdivision (b) of this section shall be taken as prima facie but not as conclusive evidence of a violation of this section, and every notice to appear and every complaint charging a violation of this section shall specify approximately the speed at which the defendant is alleged to have driven and exactly the lawful speed at the time and place of the alleged offense.

Definitions:
"Business
district."

SEC. 114. Business and residence districts defined. (a) A "business district" for the purposes of this act shall mean the territory contiguous to a public highway which is on the line of said highway mainly built up with structures devoted to business. The grounds of a state university or state, county or municipal institution shall constitute a business district for the purpose of this act.

"Residence
district."

(b) A "residence district" for the purposes of this act shall mean the territory contiguous to a public highway which is on the line of said highway not mainly devoted to business where for not less than a quarter of a mile the dwelling houses and business structures on such highway average less than one hundred feet apart.

(c) No territory shall be deemed to be within a business or residence district unless signposted as provided in this act.

Speed limit
signs in
business
districts.

SEC. 115. Business districts to be signposted. The board of supervisors of any county and the city council, board of trustees or other legislative body of any city or town wherein any public highway lies within a business district shall cause metal signs to be conspicuously placed on every such highway at the boundary lines of such business district, which signs shall be placed on the right-hand side of such highway looking toward such district and at right angles to the highway and at a height of not less than four and not more than ten feet from the ground and which shall be triangular in shape, having the apex thereof upward, the sides thereof being of equal length and not less than twenty-four inches in length, which signs shall be colored dark green on both the front and back thereof, and shall have inscribed on the front thereof in

white letters of a size to be easily read by a person using the highway the words and figures "15 miles speed limit".

SEC. 116. Residence districts to be signposted. The board of supervisors of any county and the city council, board of trustees or other legislative body of a city or town wherein any public highway lies within a residence district shall cause metal signs to be conspicuously placed on every such highway at the boundary lines of such residence district located thereat in the same manner and of the same size and shape as specified herein for signs at the boundaries of a business district, which signs for a residence district shall be colored red on both the front and back thereof and shall have inscribed on the front thereof in white letters of a size to be easily read by a person using the highway the words "20 miles speed limit".

Speed limit signs in residence districts.

SEC. 117. Signs at railroad crossings. The board of supervisors of any county and the city council, board of trustees or other legislative body of a city or town wherein any public highway crosses at grade any steam or interurban electric railway tracks shall cause to be placed and thereafter maintained warning signs on every such highway at a reasonable distance not less than three hundred feet from such crossing and on both sides thereof upon the right-hand side of the highway looking toward the crossing. When the highway crossing the railroad tracks terminates in another highway within less than three hundred (300) feet, the warning sign shall be placed at the termination of such highway. Every such sign shall consist of a metal disc twenty-four inches in diameter, the face enameled white, with an enameled black border line one inch wide and with an enameled black vertical and horizontal cross line two and one-half inches wide. In each of the upper quarters shall appear in black enamel the letter "R", five inches high, three and three-quarters inches wide, lines one inch stroke.

Warning signs at railroad crossings.

SEC. 118. Speed limit for vehicles regulated according to weight and tire equipment. (a) In addition to any other regulations imposed by this act it shall be unlawful for the driver of any vehicle, or combination of vehicles, the gross weight of which, including any load thereon is sixteen thousand pounds or more, to drive the same upon a public highway at a speed in excess of twenty miles per hour.

Speed regulation according to weight and tire equipment.

(b) It shall be unlawful for the driver of a vehicle equipped with other than pneumatic tires to drive the same upon a public highway at speeds in excess of those provided in the following table:

When gross weight of vehicle and load is—	Maximum speed in miles per hour
Nine thousand pounds or more but not more than twelve thousand pounds.....	25
Over twelve thousand pounds but not over twenty-two thousand pounds.....	15
Over twenty-two thousand pounds.....	10

This provision shall not be construed to permit the weight of a four-wheel vehicle and load to exceed twenty-two thousand pounds.

When a truck or trailer is constructed or otherwise adapted for carrying loads weighing four tons or more, exclusive of the weight of such vehicle, when and whether such vehicle is laden or unladen----- 15

When a truck or trailer is equipped with tires made wholly or partly of metal----- 6

Unlawful speed on bridges, etc.

Duty of highway commission.

SEC. 119. Unlawful to exceed speed which is safe upon bridges. It shall be unlawful for the owner, operator, driver or mover of any vehicle, object or contrivance to move, operate, or drive the same over any public bridge, causeway, viaduct, trestle or dam, at a speed which is greater than the maximum speed which can with safety to such bridge, causeway, viaduct, trestle or dam, be maintained thereon. Whenever, in the judgment of the California highway commission, any public bridge, causeway, viaduct, trestle or dam can not, with safety to itself, sustain vehicles or objects driven or moved at the maximum speed permitted under this act, or upon the request of any board of supervisors or any other body having jurisdiction thereof, it shall be the duty of the California highway commission to cause an engineering investigation to be made and to publicly hear and consider the results thereof, and any other evidence that may be offered as to the maximum speed of vehicles which may be sustained by such bridge, causeway, viaduct, trestle or dam with safety to itself, and to determine and declare in writing the maximum speed capable of being maintained thereon which shall not be less than fifteen miles per hour. Such commission shall, after it finds and declares such bridge, causeway, viaduct, trestle or dam incapable of sustaining vehicles moved or operated at the maximum speed permitted by this act, cause or permit suitable signs to be erected and maintained specifying the maximum speed of vehicles which such bridge, causeway, viaduct, trestle or dam is capable of sustaining, such signs to be placed at a distance of not less than one hundred feet or more than one hundred and fifty feet from each of the approaches thereto. Upon the trial of any person charged with violating the provisions of this section, a certified copy of the finding of such commission shall be prima facie evidence as to the maximum speed of vehicles which such bridge, causeway, viaduct, trestle or dam is capable of sustaining with safety to itself; upon such trial it shall also be necessary for the prosecution to prove the erection and existence, in accordance with the terms hereof of the signs herein specified.

Speed limit not applicable, when.

SEC. 120. When speed limit not applicable. The provisions of this act prescribing the speed for vehicles shall not apply to vehicles of any city, city and county, or county or of the State of California when such vehicles are being operated in the chase or apprehension of violators of the law, or of persons

charged with or suspected of any such violation, nor to fire department vehicles when traveling in response to a fire alarm nor to ambulances or the vehicles of licensed physicians when actually traveling in response to emergency calls.

SEC. 121. Reckless driving. Any person who knowingly and wilfully drives any vehicle upon a public highway, either without due caution and circumspection or in such manner as to endanger the life, limb, or property of any person, shall be guilty of reckless driving and upon conviction shall be punished by imprisonment in the county jail for a period of not less than five days nor more than ninety days or by a fine of not less than twenty-five dollars nor more than two hundred fifty dollars, or by both such fine and imprisonment.

Reckless driving.

SEC. 122. Drive on right side of highway. On all occasions, the driver of a vehicle shall drive the same upon the right half of a public highway and close to the right-hand edge or curb of such highway, unless it is impracticable to travel on such side of the highway and except when overtaking and passing other vehicles, in which latter case, the vehicle may be driven on the left side of the highway if such left side is clear and unobstructed for at least one hundred yards ahead.

Drive on right side of highway.

SEC. 123. Keep to the right in crossing intersections or railroads. In crossing intersections of highways or railroad rights of way, the driver of a vehicle shall at all times cause such vehicle to travel on the right half of the highway or right of way unless such right side is obstructed or impassable.

Keep to the right.

SEC. 124. Keep to the right in passing. (a) Vehicles proceeding in opposite directions shall pass each other to the right, each giving to the other one-half of the main traveled portion of the road as nearly as possible.

Pass to the right.

(b) Vehicles which are passing each other in opposite directions shall have the right of way and no other vehicle to the rear of either of such two vehicles shall pass or attempt to pass such two vehicles unless there is sufficient space for the vehicle to the rear to remain upon the right half of the highway in overtaking and passing the vehicle ahead.

SEC. 125. Overtaking a vehicle. (a) Any vehicle overtaking another vehicle proceeding in the same direction shall pass at least two feet to the left thereof, and shall not again be driven to the right side of the highway until reasonably clear of such overtaken vehicle.

Overtaking a vehicle.

(b) The driver of an overtaking motor vehicle outside of a business or residence district as herein defined shall give audible warning with his bell, gong, or other warning device before passing or attempting to pass a vehicle proceeding in the same direction.

(c) The driver of any vehicle shall not drive the same so as to pass or overtake any other vehicle going in the same direction at any intersection of public highways unless directed so to do by a traffic or police officer nor upon a curve where the driver's view along the highway is obstructed within a distance of one hundred and fifty feet.

Give way
to overtaking
vehicle.

SEC. 126. Give way to overtaking vehicle. The driver of a vehicle upon a public highway about to be overtaken and passed by another vehicle proceeding at a lawful rate of speed shall give way to the right in favor of the overtaking vehicle on suitable and audible signal being given by the driver of the overtaking vehicle, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

Following
too closely.

SEC. 127. Following too closely. (a) The driver of a motor vehicle shall not follow another vehicle or an animal or person closer than fifteen feet when upon any public highway outside of a business or residence district.

(b) The driver of any motor vehicle designed, used or maintained primarily for the purpose of transporting property when such motor vehicle is drawing a trailer shall not follow another such motor vehicle and trailer so closely that the second motor vehicle or any portion thereof is closer than one hundred feet to the first vehicle and its trailer or any portion of either of them when upon any public highway outside of a business or residence district.

Turning
around in
street.

SEC. 128. Turning around in street. The driver of a vehicle shall not within a business or residence district as herein defined turn such vehicle so as to proceed in the opposite direction except at an intersection of highways. This provision shall not apply in a residence district when no vehicle is approaching from either direction within a distance of two hundred feet nor shall it apply to the drivers of vehicles operated by a fire or police department.

Turning
at street
inter-
sections.

SEC. 129. Turning at street intersections. (a) The driver of a vehicle approaching an intersection of public highways, with the intention of turning thereat, shall, except where a different method is provided by ordinance of local authorities, in turning to the right keep to the right of the center of such intersection and as closely as practicable to the right curb or edge of such highway, and in turning to the left at such intersection shall pass beyond the center of such intersection passing as closely as practicable to the right thereof before turning such vehicle to the left. For the purposes of this section the center of such intersection shall mean the meeting point of the medial lines of the highways intersecting each other.

Local
regulations.

(b) Boards of supervisors in their respective counties and the legislative bodies of cities or towns may by ordinance prescribe a different method of turning at any intersection of highways provided "markers" or other devices shall be located upon the pavement and within the intersection clearly indicating the course to be traversed by vehicles turning at such intersection.

Signals on
turning.

SEC. 130. Signals on turning. (a) The driver of any vehicle upon a public highway before starting, turning or stopping such vehicle shall first see that such movement can be made in safety, and if it cannot be made in safety, shall wait

until it can be made in safety; then, if the operation of any other vehicle may reasonably be affected by such movement, the driver shall give a signal plainly visible to the driver of such other vehicle of the intention to make such movement. Such signal may be given either by the use of the hand and arm in the manner hereinafter provided, or by means of a mechanical or electric device which meets the requirements hereinafter set forth and which has been approved by the division of motor vehicles as hereinafter provided.

Whenever the signal is given by means of the hand and arm, the driver shall indicate his intention to turn to the left by extending his hand and arm horizontally from and beyond the left side of the vehicle, his intention to turn to the right by extending his hand and arm upward and beyond the left side of the vehicle, and his intention to stop or to suddenly decrease speed by extending his hand and arm downward from and beyond the left side of the vehicle.

The signal herein required to be given before turning to the right or left, whether given by means of the hand and arm or by means of an approved mechanical or electric device, shall be given continuously during the last fifty feet traveled by the vehicle before turning.

(b) Any person may submit a mechanical or electrical signal device to the division for its inspection and approval. The division shall charge and collect a fee of fifty dollars for examining any such signal device which is manufactured for sale. All such fees shall be paid by the division into the state treasury and deposited in a fund to be known as the signal device testing fee fund, and the moneys in such fund, or so much of them as may be necessary, are hereby appropriated to meet the expenses of the test provided for in this section, and the balance thereof, if any, shall be paid into the motor vehicle fund. No fee shall be charged for examining a device not manufactured for sale.

Mechanical
and
electrical
devices,
examination
and ap-
proval.

The division shall not approve any stop signal device unless such signal when used upon a vehicle shall give a stop signal plainly visible for a distance of at least one hundred feet to the rear of such vehicle nor any device intended to give a signal that the vehicle upon which it is used is about to turn, unless such device, when used upon a vehicle, clearly indicates the direction in which such vehicle is to be turned, which signal shall be plainly visible at least one hundred feet to the rear of the vehicle upon which the same is used.

Whenever the division shall approve a signal device as meeting the requirements hereinabove set forth, it shall give to the applicant a certificate of approval.

(c) Any vehicle which is so constructed or carries a load in such manner as to prevent the hand and arm signal specified in subdivision (a) of this section from being visible both to the front and rear of such vehicle shall be equipped with an approved mechanical or electrical signal device which shall fulfill the requirements of this section with reference thereto.

Right of way.

SEC. 131. Right of way. (a) A vehicle entering an intersection of public highways at a lawful speed shall have the right of way over a vehicle approaching from its left unless such vehicle approaching from the left shall have first entered into such intersection at a lawful speed in which event the vehicle on the left shall have the right of way.

(b) Vehicle entering public highway from private drive shall yield the right of way. The driver of a vehicle entering a public highway from a private road or drive shall yield the right of way to all vehicles approaching on such public highway.

Police and fire vehicles have right of way.

SEC. 132. Police and fire vehicles have right of way. Police and fire department vehicles shall have the right of way over all other vehicles but must be operated with due regard for the safety of all persons using the public highway. This provision shall not protect the driver of any such vehicle or his employer or principal from the consequence of the arbitrary exercise of such right of way.

Duty when police or fire vehicle approaches.

SEC. 133. What to do on approach of police or fire vehicle. Upon the approach of any police or fire department vehicle, it shall be the duty of the operator of any street car, upon the sounding of a signal by such police or fire department vehicle, to stop such street car forthwith, unless at the time such street car is crossing an intersection of the public highways, in which event it shall be operated so as to clear the intersection of the highways and then stopped, and every other vehicle shall immediately be moved to a position as near as possible and parallel to the right-hand curb, and shall remain there until the police or fire department apparatus has passed such vehicle.

Duty when passing street cars.

SEC. 134. Passing street cars. In passing any railroad, interurban or street car while passengers are alighting from or boarding the same, vehicles shall be operated or driven on the right-hand side of such cars and at a rate of speed not exceeding ten miles an hour and no portion thereof or of any load thereon shall come within six feet of the running board or steps of such cars, and shall at all times be operated with due care and caution so that the safety of such passengers shall be assured; *provided, however*, that where local authorities have plainly marked upon the surface of the highway safety zones for the protection of such passengers, vehicles shall not, at any time, be operated or driven within such zones; *provided, further*, that said safety zones shall only be marked at street corners or at other regularly established stations or stopping places of such railroad, or interurban, or street cars, and shall not extend beyond ten feet toward the boundary of the highway from the outer rail of such railroad, interurban or street car line. The driver of a vehicle upon the public highways shall not at any time pass an interurban or street car on the left side thereof. None of the provisions of this section shall apply to police or fire vehicles

of any city or county when such vehicles are being driven in the chase or apprehension of violators of the law, or of persons charged with or suspected of any such violation, nor to fire vehicles, when traveling in response to a fire alarm.

SEC. 135. For hire passenger motor vehicle, school bus and motor truck carrying explosives or inflammables to stop at railroad and interurban crossings. (a) The operator of any motor vehicle carrying passengers for hire, and the operator of any school bus, and the operator of any motor truck carrying explosive substances, or explosive or inflammable liquids of any specific gravity, as a cargo or part of a cargo, shall before crossing at grade any track or tracks of a steam railroad or interurban or suburban electric railway, bring his vehicle, bus or truck to a full and complete stop within not less than ten feet nor more than fifty feet from the nearest rail of the track nearest to the front of such vehicle, bus or truck and shall after such stop and while so stopped both look and listen in both directions, along such track or tracks for approaching steam or electric engines, trains, cars or vehicles using such rails; *provided, however,* that nothing contained in this act shall apply to street railway tracks in the streets of incorporated cities, or cities and counties, nor to tracks at crossings in the streets of incorporated cities or cities and counties when traffic officers are on duty, or traffic signals are maintained, for the direction of traffic, nor to unused tracks, whether inside or outside of incorporated cities or cities and counties.

Certain vehicles to stop at railway crossings.

(b) Violation of the provisions of this section by the driver of a motor vehicle carrying passengers for hire shall not be imputed to one who at the time of such negligence is riding with such driver as a bona fide passenger for hire in such vehicle.

Imputation of negligence.

(c) A violation of this section shall be a misdemeanor punishable by a fine not exceeding five hundred dollars or imprisonment not exceeding six months or by both such fine and imprisonment.

Penalty.

SEC. 136. Stopping on highway. No person shall park or leave standing any vehicle whether attended or unattended upon the paved or improved or main traveled portion of any public highway, outside of a business or residence district when it is practicable to park or leave such vehicle standing off of the paved or improved or main traveled portion of such highway; *provided,* in no event shall any person park or leave standing any vehicle whether attended or unattended upon any public highway unless a clear and unobstructed width of not less than fifteen feet upon the main traveled portion of said highway opposite such standing vehicle shall be left for the free passage of other vehicles thereon.

Stopping on highway.

Whenever any peace officer shall find a vehicle standing upon a public highway in violation of the provisions of this section, he is hereby authorized to move such vehicle or require the driver or person in charge of such vehicle to move such vehicle to a position permitted under this section.

Authority of police.

Exception. The provisions of this section shall not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a public highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such vehicle in such position.

Unattended motor vehicles. SEC. 137. Motor vehicle left unattended—Brakes to be set and engine stopped. No person having control or charge of a motor vehicle shall allow such vehicle to stand on any public highway unattended without first effectively setting the brakes thereon and stopping the motor of said vehicle.

Parking prohibited, where SEC. 138. Parking near garage entrance, fire hydrant or fire station. No person shall leave a vehicle or an animal standing upon a public highway in front of the driveway entering or leaving a public or private garage nor within fifteen feet of a fire hydrant or the entrance to a fire station.

Mountain driving. SEC. 139. Mountain driving. The driver of a motor vehicle traversing defiles, canyons or mountain highways shall hold such motor vehicle under control and as near the right-hand side of the highway as reasonably possible and shall not permit such vehicle to coast, and upon approaching curves where the view is obstructed within a distance of two hundred feet along the highway shall give an audible warning with a horn or other warning device.

Caution in passing vehicles and animals. SEC. 140. Caution in passing vehicles and animals. In all passing and overtaking, such assistance shall be given by the occupants of each vehicle respectively to the other as the circumstances shall reasonably demand in order to obtain clearance and avoid accidents; every person having control or charge of any vehicle upon any public highway and approaching any vehicle drawn by a horse or horses, or any horse upon which any person is riding, or any live stock which is being driven upon the highway, shall operate, manage and control such vehicle in such manner as to exercise every reasonable precaution to prevent frightening, and to safeguard, any such animals and to insure the safety and protection of any person riding or driving the same. If such animals appear frightened the person in control of such vehicle shall reduce its speed, and if requested by signal or otherwise by the driver, rider or persons in charge thereof shall not proceed further toward such animal or animals unless such movement be necessary to avoid accident or injury, until such animal or animals be under control.

Duty to stop in case of accident. SEC. 141. Duty to stop in case of accident. The driver of any vehicle which strikes any person or collides with any other vehicle shall immediately stop and give his name and address and the names and addresses of all passengers not exceeding five in his vehicle, also the registration number of his vehicle, to the person struck or the occupants of the vehicle collided with, and shall also render to such persons all necessary assistance, including the carrying of such persons to a physician or surgeon for medical or surgical treatment, if

such treatment is required or if such carrying is requested by the person struck or any occupant of such vehicle collided with. Any person violating any of the provisions of this section is punishable by imprisonment in the state prison not exceeding five years or in the county jail not exceeding one year, or by a fine not exceeding five thousand dollars, or by both such fine and imprisonment. Penalty

SEC. 142. Duty to report accident. It shall be the duty of the driver of any vehicle involved in an accident resulting in injuries or death to any person to forthwith report the accident in writing to the police department of the city wherein such accident occurred or if it occurred outside of a city then to the sheriff of the county wherein it occurred, and in such report to state the time when and place where such accident occurred and so far as is possible the name and address of the drivers of all vehicles involved in such accident, the registration numbers of such vehicles and the name and address of any person or persons injured. Any violation of this section shall be a misdemeanor. Duty to report accident.

SEC. 143. Provisions applicable to persons riding animals. The provisions of section one hundred twelve to and including section one hundred thirty-six shall be applicable to the rider of every horse, mule or other riding animal ridden upon the public highway, to the end and effect that the same duties, rules and regulations imposed therein upon the drivers of vehicles upon the public highway, including the care to be exercised in driving vehicles, the portion of the highway upon which they shall travel, the right of way as between vehicles passing or overtaking each other, or upon approaching intersections, the duty of giving way in favor of overtaking vehicles, the manner of turning at intersections and at other places upon the highway and of stopping or changing the course of the vehicles and the duties imposed upon drivers of vehicles in passing railroad, interurban or street cars, shall be imposed, and they are hereby imposed, upon the riders of animals upon the public highways. Penalty.

SEC. 144. Certain provisions of act applicable to vehicles of state, counties and cities. The provisions of this act applicable to drivers of vehicles upon the public highways shall apply to the drivers of all vehicles operated by the state or any political subdivision thereof, or of any incorporated city, subject to such specific exceptions as are set forth in this act. Provisions applicable to riders of animals.

SEC. 145. Powers of boards of supervisors and legislative bodies of cities. Nothing in this act contained shall be so construed as to prevent boards of supervisors in their respective counties and the legislative bodies of incorporated cities from providing by ordinance for the regulation of traffic by means of traffic or crossing officers or semaphores or other signaling devices on any portion of the public highways where the traffic is heavy and continuous, nor from licensing and regulating the operation of vehicles offered to the public for hire, nor from regulating the use of the highways for pro- Provisions applicable to drivers of public vehicles.

Powers of local boards.

cessions or assemblages, nor from designating certain highways as one way highways, provided all one way highways are clearly signposted to give notice of such fact.

TITLE X.

MISCELLANEOUS OFFENSES.

Section No.

- 146. Driving vehicle without owner's consent.
- 147. Injuring vehicle.
- 148. Tampering with vehicle.
- 149. Chauffeurs not to receive discounts on supplies.
- 150. Putting glass, etc., on highway.
- 151. Live stock not to stray on highway.
- 152. Injuring signs required by this act.

Driving vehicle without owner's consent.

SEC. 146. Driving vehicle without owner's consent. Any person who shall drive a vehicle not his own, without the consent of the owner thereof and in the absence of the owner, and with intent to either permanently or temporarily deprive the owner thereof of his title to or possession of such vehicle, whether with or without intent to steal the same, shall be deemed guilty of a felony. The consent of the owner of a vehicle to its taking or driving shall not in any case be presumed or implied because of such owner's consent on a previous occasion to the taking or driving of such vehicle by the same or a different person. Any person who assists in, or is a party or accessory to or an accomplice in, any such stealing or unauthorized taking or driving, shall also be deemed guilty of a felony.

Damaging vehicle.

SEC. 147. Injuring vehicle. Any person who shall individually or in association with one or more others, wilfully break, injure, tamper with or remove any part or parts of any vehicle for the purpose of injuring, defacing or destroying such vehicle, or temporarily or permanently preventing its useful operation, or for any purpose against the will or without the consent of the owner of such vehicle or who shall in any other manner wilfully or maliciously interfere with or prevent the running or operation of such vehicle, shall be guilty of a misdemeanor.

Tampering with vehicle.

SEC. 148. Tampering with vehicle. Any person who shall, without the consent of the owner or person in charge of a vehicle, climb, with the intent to commit any malicious mischief or injury thereto or with intent to commit any crime, upon or into such vehicle, whether the same be in motion or at rest, or who, while such vehicle is at rest and unattended, shall attempt to manipulate any of the levers, the starting crank or other device, brakes or mechanism thereof, or to set said vehicle in motion shall be guilty of a misdemeanor.

Chauffeur not to receive discounts.

SEC. 149. Chauffeur not to receive discounts on supplies. No chauffeur or other person having the care of a vehicle for the owner shall receive or take, directly or indirectly, without the written consent of such owner, any bonus, discount or other consideration for supplies or parts furnished or

purchased for such vehicle, or any work or labor done thereon by others, or on the purchase of any vehicle for his employer, and no person furnishing such supplies or parts, work or labor, or selling any vehicle shall give or offer any such chauffeur or other person having the care of a motor vehicle for the owner thereof, directly or indirectly, without such owner's written consent, any bonus, discount or other consideration thereon. Any person violating this section shall be guilty of a misdemeanor.

SEC. 150. Putting glass, etc., on highway prohibited. Putting glass, etc., on highway.

(a) Any person who throws or deposits any glass bottle, glass, nails, tacks, hoops, wire, cans, or any other substance likely to injure any person, animal or vehicle upon any public highway, shall be guilty of a misdemeanor.

(b) Any person who accidentally or otherwise drops or permits any destructive or injurious material to be dropped or thrown on any highway shall immediately remove or cause the same to be removed.

SEC. 151. Live stock not to stray on highway. No person Live stock on highway. owning, or controlling the possession of, any live stock, shall voluntarily or negligently permit any such live stock to stray upon or remain unaccompanied by a person in charge or control thereof upon a public highway, either side of which is adjoined by property which is separated from such highway by a fence, wall, hedge, sidewalk, curb, lawn or building, nor permit the tether or any portion thereof to which such animal may be attached, to lie across or upon any public highway. No person shall feed, pasture, camp or drive any such live stock upon, over or across any public highway between the hours of sunset and sunrise without keeping a sufficient number of herders on continual duty to keep open the road so as to permit at all times the ready passage of vehicles.

SEC. 152. Injuring signs. Any person who shall deface, Damaging signs. injure, knock down or remove any sign posted as provided in this act shall be guilty of a misdemeanor.

TITLE XI.

PENALTIES.

SEC. 153. Penalties. (a) Any person who shall be convicted of a violation of any of the provisions of this act shall Penalties. be deemed guilty of a misdemeanor unless his conviction is for an offense which this act or other law of this state declares to be a felony.

(b) Every person convicted of a misdemeanor for a violation of any of the provisions of Title IX of this act for which another penalty is not provided shall, for a first conviction thereof within one year, be punished by a fine of not to exceed fifty dollars or by imprisonment in the county jail for not to exceed five days; for a second such conviction within one year, such person shall be punished by a fine not to exceed

one hundred dollars or by imprisonment in the county jail for not to exceed ten days, or by both such fine and imprisonment; upon a third such conviction within one year such person shall be punished by a fine not to exceed five hundred dollars, or by imprisonment in the county jail for not to exceed six months, or by both such fine and imprisonment.

(c) Unless another penalty is in this act, or by the laws of this state provided, every person convicted of a misdemeanor for the violation of the provisions of this act shall be punished by a fine not to exceed five hundred dollars or imprisonment in the county jail for not to exceed six months, or by both such fine and imprisonment.

TITLE XII.

PROCEDURE, REPORTS, DISPOSITION OF FEES, FINES AND FORFEITURES.

Section No.

- 154. Appearance upon an arrest for misdemeanor.
- 155. Evidence based on use of speed traps not to be admitted.
- 156. Report of convictions to be sent to division.
- 157. Division to deposit all fees in state treasury.
- 158. Division to file semiannual report.
- 159. Motor vehicle fund.
- 160. Fines and forfeitures.

Appearance
upon an
arrest for
misdemeanor.

SEC. 154. Whenever any person is arrested for any violation of the provisions of this act, unless such violation is herein declared to be a felony, the arresting officer shall, unless such person demands that he be forthwith taken before the nearest and most accessible magistrate, take the name and address of such person and the number of his motor vehicle and notify him in writing to appear at a time and place to be specified in such notice, such time to be at least five days after such arrest and such place to be before a magistrate of the township in which the offense with which the arrested person is charged is alleged to have been committed or, upon the demand of the person arrested, before a magistrate of the township in which is located the county seat of the county in which such offense is alleged to have been committed. Such officer shall thereupon and upon the giving by such person of his written promise to appear at such time and place forthwith release him from custody.

Whenever any such person demands to be taken, or refuses to give his written promise as herein provided for, he shall be taken forthwith before the magistrate of the township in which the offense with which he is charged is alleged to have been committed. He shall then be entitled to at least five days continuance of his case in which to prepare to plead or to prepare for trial and he shall not be required to plead or be tried within five days unless he waives such time in writing or in open court, provided that he gives his written promise to appear at such time and place as the court may fix for his further appearance or, upon his refusal to give such

promise, upon such bail as the court may fix and he shall thereupon be released from custody.

Any person who wilfully violates his promise given in accordance with this section shall be guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested. A promise to appear may be complied with by an appearance by counsel.

SEC. 155. Evidence based on use of speed traps not to be admitted. No evidence as to the speed of a vehicle operated on a highway by any person arrested for a violation of the provisions of this act shall be admitted in any court at the consequent trial of such person when such evidence relates to or is based upon the maintenance or use of a speed trap.

Speed trap
evidence
inadmissible.

A speed trap within the meaning of this section is a particular section of, or distance on, any highway the length of which has been or is measured for distance, and marked off or otherwise designated or determined, and the limits of which are within the vision of an officer or officers who calculate the speed of a vehicle passing through such speed trap by using the elapsed time during which such vehicle travels between the entrance and exit of such speed trap.

Nor shall any testimony in any such case be admitted in any court from any officer or officers arresting or participating or assisting in the arrest of such person if any speed trap was used in such arrest or if such officer or officers or any of them, were not at the time of such arrest dressed in a distinctive uniform and patrolling or upon the highway upon which the arrest was made in plain sight of all persons traveling thereon.

SEC. 156. Report of convictions to be sent to division. (a) Every justice of the peace, or police judge or court in this state shall keep a full record of every case in which a person is charged with violation of any provision of this act, and in the event that such person is convicted or that his bail is forfeited, an abstract of such record shall be sent forthwith by the justice of the peace or police judge or court to the division.

Convictions
to be
reported to
division.

(b) Abstracts required by this section shall be made upon forms prepared by the division and shall include all necessary information as to the parties to the case, the nature of the offense, the date of hearing, the plea, the judgment, the amount of the fine or forfeiture, as the case may be, and every such abstract shall be certified by the justice of the peace, police judge or clerk of such police court as a true abstract of the record of the court.

(c) Each clerk of any court of record of this state shall also, within ten days after any final judgment of conviction of any violation of any of the provisions of this act, send to the division a certified copy of such judgment of conviction. The said division shall keep such records in its office, and they shall be open to the inspection of any person during reasonable business hours.

Penalty.

(d) Failure, refusal or neglect to comply with any of the provisions of this section shall constitute misconduct in office and shall be ground for removal therefrom.

Division to deposit fees in state treasury.

SEC. 157. Division to deposit all fees in state treasury. The division shall file with the state controller and the state treasurer during each business day a report of all transactions completed during the preceding business day, involving the collection of moneys under any of the provisions of this act, and shall at the time of the filing of such report deposit in the state treasury to the credit of the motor vehicle fund all moneys so reported as collected.

Division to file semiannual report.

SEC. 158. Division to file semiannual report. The division shall make and file with the state controller on or before the first days of February and August of each year a detailed account of the receipts and disbursements of the division for the six months next preceding. Such accounts shall be open to public inspection when filed.

Motor vehicle fund created.

SEC. 159. Motor vehicle fund. (a) There is hereby created in the state treasury a fund which shall be known as the "motor vehicle fund". The state treasurer shall deposit all money received by him from the division or otherwise under the provisions of this act into the motor vehicle fund.

Appropriation to division.

(b) There is hereby appropriated out of such fund all moneys received as operators' license fees, and chauffeurs' license fees and duplicate operators' and chauffeurs' license fees and in addition thereto such portion of the remainder of such motor vehicle fund not exceeding in any registration year twenty per cent thereof as may be necessary for the maintenance of the division of motor vehicles to be expended by the division in carrying out the provisions of this act. There shall be deducted from the sums which the division is allowed to expend hereunder such amount as may be allowed to said division in each calendar year under budget appropriation by the state legislature. The division may draw, without at the time furnishing vouchers and itemized statements, sums not to exceed in the aggregate ten thousand dollars, said sums so drawn to be used as a revolving fund where cash advances are necessary. At the close of each fiscal year the moneys so drawn must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the board of control and by the controller. The balance of said fund after the expenditure of so much as may be permitted by this act for the support of the division of motor vehicles shall be known as the "net receipts" and shall be devoted to the purposes and in the manner herein specified.

Revolving fund.

Net receipts.

Appropriation of one-half of "net receipts" to counties to be expended for roads, etc.

(c) One-half of such "net receipts" is hereby appropriated and shall be paid from the motor vehicle fund to the counties of this state in proportion to the number of vehicles registered in such counties as determined by the places of residence of the owners to whom the registration certificates are issued: *provided*, that there shall be deducted from the amount to be paid hereunder to any county all amounts that

may have been expended under the provisions of this act during the preceding six months to pay the compensation of state inspectors and traffic officers appointed to serve in such county. All amounts paid under this section to the counties shall be deposited in the road funds of the several counties receiving the same and shall be expended by such counties exclusively in the construction and maintenance of public roads, bridges and culverts in said counties respectively; *provided*, that the board of supervisors of any county may in its discretion expend any portion of such sums so received by such county in the construction, maintenance and repair of streets, bridges and culverts within those incorporated cities therein the legislative bodies of which by ordinance authorize such work of construction, maintenance and repair. The board of supervisors of any county, or city and county, which is empowered by law to expend money for the construction of public highways outside of its corporate limits, may expend any portion of the amounts paid to the said county, or city and county, and deposited in the special road improvement fund or other road fund thereof, as herein in this section directed, in and for the construction of public highways outside of its corporate limits; *provided, however*, that the construction thereof is authorized by ordinance of the board of supervisors of the county, or city and county, in which said highway is to be constructed. Where such authorization is given by ordinance, as herein provided, the board of supervisors of the county, or city and county desiring the said construction, may, through its own boards, officers or commissions expend the amounts herein authorized to be expended, or may, by ordinance of its board of supervisors, transfer said amounts to the account of the highway commission of the State of California and may by said ordinance specify and determine the route and type of construction of said highway, and the said amount thus transferred shall, if accepted by the said highway commission, be expended by said commission for the purpose specified and determined in said ordinance, and not otherwise.

(d) The board of supervisors of each county in the state shall establish a road fund in the county treasury for the receipt of such funds received, as hereinbefore provided and shall also make an annual report to the state department of public works not later than three months after the close of the counties' fiscal year, upon forms to be provided by the state department of public works, showing the amount of moneys received from the motor vehicle fund during the preceding fiscal year and the disposition of said moneys, specifying in such detail as may be required by said department the roads, bridges and culverts constructed or maintained out of said moneys and the sums applied to the several items of such construction or maintenance.

(e) The state controller shall in the months of February and August of each year draw his warrants upon the motor vehicle fund in favor of the county treasurer of each county

County
road
fund.

Payment
of money
to counties.

for the amount to which such county is entitled hereunder, except that the state controller shall not draw his warrant upon the motor vehicle fund in favor of the county treasurer of any county which has not established a road fund, as required hereunder, or which has failed, neglected or refused to file the report showing the amount of money theretofore received by such county from the motor vehicle fund and the disposition thereof, as hereinbefore required, until such county has established a road fund and shall make the reports herein required.

Remainder
of motor
vehicle fund
to be
expended
on state
highways.

(f) All moneys remaining in the motor vehicle fund after the expenditures hereinbefore in this section authorized, together with all sums that have been heretofore or that may be hereafter appropriated by the legislature for the same purpose, shall be expended under the direction of the state department of public works for the maintenance, repair, widening, resurfacing and reconstruction of state roads and highways under the jurisdiction of said department and for the maintenance, repair, widening, resurfacing and reconstruction of roads and highways in state parks, subject to the approval of the official or officials charged by law with the management and control of such parks, such moneys to be so drawn from the motor vehicle fund for the purpose of such maintenance, repair, widening, resurfacing and reconstruction upon warrants executed by the state controller upon demands made by the state department of public works and allowed and audited by the state board of control.

Disposition
by cities
of fines
and forfeit-
ures.

SEC. 160. Fines and forfeitures. (a) All fines or forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any of the provisions of this act constituting a misdemeanor following an arrest of such person by any officer employed by a city, shall be paid into the city treasury and deposited in a special fund to be known as the "street improvement fund" which is hereby created and which shall be used exclusively in the construction, maintenance and improvement of public streets, bridges and culverts within such city. Failure, refusal or neglect to comply with any of the provisions of this section shall constitute misconduct in office and shall be ground for removal therefrom.

Disposition
of other
fines and
forfeitures.

(b) All fines or forfeitures collected upon conviction for violation of any of the provisions of this act following arrest by any officer employed by the state or by a county or city and county and whether collected by a justice of the peace, police court, city recorder's court, city justice of the peace or otherwise shall be paid to the treasurer of the county or incorporated city and county in which the court is held and said moneys shall belong to such counties and cities and counties respectively and shall be used by the several counties and incorporated cities and counties solely in the construction, maintenance and improvement of roads, streets, bridges and culverts within their respective limits and for no other purpose.

TITLE XIII.

TITLE AND EFFECT OF ACT.

SEC. 161. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Constitutionality of act.

SEC. 162. Each and all of the provisions of this act relating to the registration of vehicles and the issuing of operators and chauffeurs licenses and the payment of fees for such registrations and licenses shall go into effect at midnight on the thirty-first day of January in the year one thousand nine hundred twenty-four and effective upon said date sections three, four, five, six, seven, eight, nine, eleven, twenty-four, twenty-five and twenty-seven of that certain act known and cited as the "vehicle act" which was approved May 10, 1915, together with all amendments thereto, are hereby expressly repealed. All other provisions of this act shall go into effect at midnight on the thirty-first day of August in the year one thousand nine hundred twenty-three and effective upon said date all sections of the "vehicle act" which was approved May 10, 1915, together with all amendments thereto, not otherwise herein repealed and all acts or parts of acts in conflict with or inconsistent with this act are expressly repealed.

Times when various provisions go into effect.

Repealed.

SEC. 163. This act shall be known and cited as the "California vehicle act."

Title.

CHAPTER 267.

An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith.

[Approved May 30, 1923.]

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

SECTION 1. The following words, terms and phrases shall whenever used in this act, have the meaning set forth in this section.

Words and phrases defined.

(a) "Motor vehicle" shall include every vehicle operated upon the highways of this state which is propelled by the use of motor vehicle fuel.

(b) "Motor vehicle fuel" shall include all gasoline, distillate, benzine, naphtha, liberty fuel and other volatile and inflammable liquids produced or compounded for the purpose of, or which may be used in, operating or propelling motor

vehicles except kerosene and except unfinished products requiring rerun, blending, or compounding and which are not used or sold for use in such form for the purpose of operating or propelling motor vehicles.

(c) "Distributor" shall mean and include every person, firm, association or corporation who refines, manufactures, produces or compounds motor vehicle fuel in this state and sells the same in this state; also every person, firm, association or corporation who imports any motor vehicle fuel into this state and sells the same in this state whether in the original packages or containers in which it is imported or otherwise than in such original packages or containers; or imports any such fuel for his own use in this state; also every person, firm, association or corporation who, having acquired in this state in the original package or container motor vehicle fuel which has been imported into this state, shall distribute or sell the same, whether in such original package or container in which the same was imported or otherwise than in such original package or container.

(d) "Service station" is a place operated primarily for the purpose of delivering motor vehicle fuel into the fuel tanks of motor vehicles.

Registration
and licens-
ing of
distributors.

SEC. 2. Every distributor shall within ten days after this act becomes effective and thereafter any person, firm, association or corporation before becoming a distributor shall register as such with the state board of equalization on forms to be prescribed, prepared and furnished by said board of equalization, and said state board of equalization shall issue to such distributor a license which shall be valid until revoked by said board as hereinafter provided.

License tax
to be
paid by
distributor.

SEC. 3. Every distributor shall from and after September 30, 1923, in addition to any other taxes provided by law, pay a license tax to the state controller of this state of two cents for each gallon of motor vehicle fuel refined, manufactured, produced or compounded by such distributor in this state and sold and delivered by him in this state, or imported by such distributor into and distributed or sold by him in this state otherwise than in the original package or container in which such motor vehicle fuel was imported into this state, and for each gallon of motor vehicle fuel imported into this state and thereafter acquired by such distributor in the original package or container in which the same was imported and thereafter distributed or used by such distributor or sold by him otherwise than in the original package or container in which the same was imported into this state and for each gallon of motor vehicle fuel sold, distributed or used by him from any stock on hand or held in storage by him on September 30, 1923. From any amount found to be due upon any report hereunder the distributor shall first be allowed to deduct one per cent of the tax otherwise due hereunder to cover subsequent losses occasioned by evaporation and handling.

Tax, when
due and
when to
be paid.

SEC. 4. License taxes herein required to be paid shall be paid in quarterly installments to the state controller for the

quarters ending December thirty-first, one thousand nine hundred twenty-three, and ending March thirty-first, June thirtieth, September thirtieth and December thirty-first in the year one thousand nine hundred twenty-four and each year thereafter. The amount of such license tax becoming due during each such quarter shall be paid within forty days after the end of the quarter for which the same is due.

Sec. 5. Every distributor shall keep a record in such form as the state board of equalization shall require, showing the total number of gallons of motor vehicle fuel refined, manufactured, produced or compounded in this state and sold by such distributor within this state during each quarter; showing the total number of gallons of motor vehicle fuel imported into this state by such distributor and sold or distributed by such distributor in this state during each quarter, whether in the original package or container in which the same was imported or otherwise than in such original package or container and the total number of gallons of such fuel acquired by such distributor in the original packages or containers in which the same was imported into this state and thereafter sold, distributed or used by him.

Record to be kept by distributor.

Sec. 6. Each distributor shall, within twenty days after the quarter ending December thirty-first, one thousand nine hundred twenty-three, and within twenty days after the end of each following quarter, file on forms to be prescribed, prepared and furnished by the state board of equalization, a verified statement showing the total number of gallons of motor vehicle fuel refined, manufactured or compounded by such distributor within this state and sold during such quarter by such distributor within this state; the total number of gallons of motor vehicle fuel imported into this state by such distributor and sold or distributed within this state by such distributor during such quarter, when sold or distributed otherwise than in the original packages or containers in which imported into this state or used by such importer; also the number of gallons of such fuel acquired by him in the original package or container in which the same was imported into this state and thereafter sold, distributed or used by him; and such other information as the state board of equalization may require. The state board of equalization shall compute the license tax due or to become due hereunder, and extend the same upon a tax roll prepared and kept for the purpose, and on or before thirty days from and after the close of each quarterly period as herein defined, shall deliver said tax roll to the state controller, who shall give due notice of the dates when said taxes will become due.

Statements to be filed by distributor.

Tax to be computed therefrom

Sec. 7. All motor vehicle fuel distributed by any distributor to any of its service stations, or other agencies, tank trucks, wagons, boats, barges, or other facilities operated by such distributor in this state shall for the purposes of this act be considered in the same manner and the same license tax shall be paid upon such motor vehicle fuel as though the same had been sold and delivered by such distributor; *pro-*

What considered to be a sale of motor vehicle fuel.

vided, that the amount of motor vehicle fuel distributed during any quarter to any such agency, tank truck, wagon, boat, barge, or other facility operated by the distributor is hereby defined to mean the amount thereof thereafter found to have been sold and delivered therefrom during such quarter plus one-ninety-ninth thereof but excluding therefrom deliveries to service stations operated by such distributor.

All motor vehicle fuel used by a distributor in the operation of any motor vehicle shall for all the purposes of this act be considered in the same manner and the same license tax shall be paid upon such motor vehicle fuel as though the same had been sold by such distributor.

Nothing in this act shall be construed as requiring the payment of the license tax herein specified upon more than one sale, distribution or transfer of the same motor vehicle fuel.

Penalties
regarding
statements.

SEC. 8. It shall be unlawful for any distributor to fail, neglect or refuse to make and file any statement required by this act in the manner or within the time therein provided, or to make any such statement false in any particular.

Fixing tax
where no
return is
made.

SEC. 9. If any distributor shall fail, neglect or refuse to file the reports herein provided, the state board of equalization, immediately after such time has expired, shall proceed to inform itself as best it may regarding the matters and things required to be set forth in such statement, and, from such information as it is able to obtain, shall make a statement showing such matters and things and shall determine and fix the amount of the license tax due to the state from such distributor for such quarter, and shall add to the amount of such license tax a penalty of twenty-five per cent thereof, and shall deliver such statement to the state controller who shall proceed to collect the amount of such license tax with the penalty added thereto, together with interest on the whole thereof at the rate of seven per cent per annum from the date upon which such statement should have been filed, and the distributor is thereafter estopped from complaining of the amount thereof.

Duty of
attorney
general.

Upon the request of the state controller, it shall be the duty of the attorney general to commence and prosecute to final determination in any court of competent jurisdiction an action at law to collect any tax herein imposed which is delinquent and all penalties and interest accrued.

Sales, etc.,
not to be
taxed.

SEC. 10. The provisions of this act requiring the payment of license fees shall not be held or construed to apply to motor vehicle fuel imported into this state in interstate or foreign commerce and intended to be sold in the original and unbroken tank cars or other original receptacles, containers or packages and so sold while the same are in interstate or foreign commerce nor to any motor vehicle fuel exported or sold for exportation and exported for use outside this state, nor to any motor vehicle fuel delivered under contracts entered into prior to the fourteenth day of May, 1923, nor to any motor vehicle fuel sold to the government of the United States or any department thereof.

SEC. 11. Any person, firm, association or corporation who shall buy and use any motor vehicle fuel for purposes other than in motor vehicles operated, or intended to be operated upon the public highways of the State of California or export the same for use outside of this state; also any person, firm, association or corporation who shall buy any motor vehicle fuel and use the same exclusively in the transportation of rural free delivery mails, and who shall have paid any license tax for such motor vehicle fuel hereby required to be paid, either directly or to the vendor from whom it was purchased, or indirectly by the adding of the amount of such tax to the price of such fuel, shall be reimbursed and repaid the amount of such tax paid by him or it upon presenting to the state controller an affidavit accompanied by the original invoices showing such purchase, which affidavit shall be verified by the oath of the claimant and shall state the total amount of such fuel so purchased and used by said consumer other than in motor vehicles operated or intended to be operated upon any of the public highways in the State of California. The said state controller, upon the presentation of such affidavits and such invoices or vouchers, shall cause to be paid to such consumer, from the license taxes collected in accordance with the provisions of this act, an amount equal to the license taxes collected hereunder on the motor vehicle fuel so purchased or so used. All such applications shall be filed with the state controller within six months from the date of the purchase of such motor vehicle fuel. Any application filed after such six months shall not be considered for any purpose by the state controller, the treasurer or the State of California.

Refund of tax on certain sales.

SEC. 12. The state board of equalization shall have the power and it is hereby authorized to make any and all such examinations of the records of distributors as it may deem necessary in carrying out the provisions of this act. The cost if any of such examination to be payable from the regular appropriation for clerical assistance of said board.

Examination by board of equalization.

SEC. 13. All money received by the state controller in payment of license taxes under the provisions of this act shall be by him deposited in the state treasury and credited to the "motor vehicle fuel fund," which fund is hereby created. One-half of all moneys remaining in said "motor vehicle fuel fund" after the refunds herein provided for have been paid shall be paid therefrom to the counties of the state as hereinafter provided in the proportion which the number of vehicles registered in each of said counties bears to the total number of such vehicles registered in the state as determined by the places of residence of the owners to whom the registration certificates for such vehicles have been issued by the state during the current year, and it is hereby made the duty of the motor vehicle department to furnish to the state controller a record of the number of such registrations by counties. All such amounts so paid to the several counties shall be paid into a special road improvement fund. Such fund shall be expended

Motor vehicle fuel fund created.

Amount to go to counties for road purposes.

by the county receiving it exclusively in the construction and maintenance of roads, bridges and culverts in each such county. In the event that any county has not established such a road fund, its proportion of such fund shall be retained by the state until provision for such a road fund has been made, and it shall then be paid over to such county.

Semiannual
distribution
to counties.

In the months of May and November of each year, the treasurer shall make a report to the state controller setting forth the gross amounts received and the net receipts remaining after the payment of the refunds herein provided for for the preceding six months, and thereupon the controller shall draw his warrant upon the "motor vehicle fuel fund" in favor of each county in the state for the amount to which each such county is entitled. The controller shall not draw such warrant in favor of any county which shall not have established such a road fund as is herein required or which shall be delinquent in its annual report to the state department of public works as hereinafter required.

Supervisors
to report
disposition
of moneys.

The board of supervisors of each county shall make an annual report to the state department of public works not later than three months after the close of the county's fiscal year upon forms to be provided by such department, showing the amount of moneys received from the "motor vehicle fuel fund" during the preceding fiscal year and the disposition of said moneys, giving such details as to the disposition of said moneys as may be required by said department. Whenever such report shall not have been duly filed in the manner and form herein provided for at or before the time herein specified, the state controller shall not draw his warrant in favor of the treasurer of such county until said report has been filed.

Remainder
paid into
state
highway
maintenance
fund.

All moneys in the "motor vehicle fuel fund" other than those hereinbefore appropriated, are hereby appropriated to and shall by the state treasurer be paid into the "state highway maintenance fund," which fund is hereby created, and shall be used for the maintenance, repair, widening, resurfacing and reconstruction of the state highways, and for the maintenance, repair, widening, resurfacing and reconstruction of roads and highways in state parks, subject to the approval of the official or officials charged by law with the management and control of such parks, such moneys to be drawn from the state highway maintenance fund for the purpose of such maintenance, repair, widening, resurfacing and reconstruction upon warrants drawn by the state controller upon demands made by the state highway commission and allowed and audited by the state board of control.

Penalties.

SEC. 14. Any person, firm, association or corporation or any officer or agent thereof violating any of the provisions of this act, or unlawfully making any false statement, or concealing any material fact in any record, report, affidavit or claim provided for herein, shall be guilty of a misdemeanor, unless such act is by any other law of this state declared to be a felony, and upon conviction thereof shall be punished by a fine of not less than five hundred dollars nor more than five

thousand dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

The state board of equalization shall have power to revoke the license of any distributor refusing or neglecting to comply with the provisions of this act.

SEC. 15. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases be declared unconstitutional. Constitutionality.

SEC. 16. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. Repealed

SEC. 17. This act shall go into effect upon the thirtieth day of September, one thousand nine hundred twenty-three, provided there shall have been theretofore enacted that certain act to be known and cited as the "California vehicle act" introduced in the forty-fifth session of the legislature as Senate Bill No. 743. In effect when.

CHAPTER 268.

An act to add a new section to the Political Code, to be numbered one thousand seven hundred sixty-four c, relating to powers and duties of high school boards.

[Approved May 30, 1923.]

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

SECTION 1. A new section to be numbered one thousand seven hundred sixty-four c is hereby added to the Political Code to read as follows:

1764c. 1. Upon application of twenty or more persons above the age of twenty-one, residing in a high school district, who can not speak, read or write the English language to a degree of proficiency equal to that required for the completion of the sixth grade of the elementary schools of the state, the high school board or city board of education, or board of education in control of such high school district must establish special classes in English; *provided*, that application for classes be made in time to permit the board of education to arrange to meet the expenses of such classes. Said boards may establish such classes without such demand and with a less number of such students. Classes for adults with deficient knowledge of English.

2. The classes provided for in subdivision one of this section shall be held at least twice a week for a two-hour period. If the enrollment in any class falls to ten or less for a one-month period, the governing board must discontinue said class for that year.

3. All money accruing to the district from state and county on account of average daily attendance in evening high schools, Use of certain funds.

or in special day and evening classes of a day high school, established in accordance with subdivision one of this section and in accordance with "An act to require certain high school districts to provide part-time educational opportunities in civic and vocational subjects for persons under eighteen years of age, who were not in attendance upon full-time day schools, and part-time educational opportunities in citizenship for persons under twenty-one years of age who can not adequately speak, read or write the English language; to enforce attendance upon such part-time classes where established, and providing penalties for violation of the provisions of this act. Approved May 27, 1919"; and in accordance with "An act to provide for the establishment of classes for training in citizenship for applicants who have filed their declarations of intentions to become citizens of the United States and for other persons desiring such instruction. Approved May 27, 1921", must be spent on the maintenance of such classes in the ensuing year, and additional special district funds may be provided by said district to fulfill needed requirements: *provided*, that the high school board or city board of education or board of education in control of such high school district may discontinue such classes with the permission of the county superintendent of schools, when the need for such classes has ceased to exist. In such cases, all money accruing to the district from the state and county on account of average daily attendance in such discontinued classes may be returned to the regular high school funds of the district.

CHAPTER 269.

An act to repeal section three thousand eight hundred ninety-seven a of the Political Code, relating to the sale of lands purchased by the state for delinquent taxes.

[Approved May 30, 1923.]

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

Repeated.

SECTION 1. Section three thousand eight hundred ninety-seven a of the Political Code is hereby repealed.

CHAPTER 270.

An act to amend section one thousand four hundred fifty-four of the Code of Civil Procedure relating to obtaining money and other personal property by heirs.

[Approved May 30, 1923.]

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

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

1454. The surviving husband or wife, or the guardian of the estate of any insane or incompetent husband or wife, of any deceased person, or if no husband or wife is living, then the children, or the guardian of the estates of any minor or insane or incompetent children of said deceased, or, if no children are living, then the father or mother or guardian of the estate of any insane or incompetent father or mother of such decedent, and if neither the father nor mother is living, then the brothers and sisters or the guardian of the estates of any minor or insane or incompetent brothers and sisters of such decedent may, without procuring letters of administration, collect of any bank any sum which said deceased may have left on deposit in such bank at the time of his or her death; *provided*, such deposits shall not exceed the sum of one thousand dollars. Any bank, upon receiving an affidavit stating that said depositor is dead, and that affiant is the surviving husband or wife or the guardian of the estate of an insane or incompetent surviving husband or wife, as the case may be, of said decedent, or stating that decedent left no husband or wife, and that affiant is the child, or that affiants are the children, or the guardians of the estates of the minor, insane or incompetent children, as the case may be, of said decedent, or stating that decedent left neither husband, wife nor children, and that affiant is the father or mother, or the guardian of the estate of the insane or incompetent father or mother, as the case may be, of said decedent, or stating that the decedent left neither husband, wife, children, father nor mother, and that affiants are the brothers and sisters, or the guardians of the estates of the minor, insane or incompetent brothers and sisters, as the case may be, of said decedent, and that the whole amount that said decedent left on deposit in any and all banks of deposit in this state, does not exceed the sum of one thousand dollars, may pay to said affiant or affiants any deposit of said decedent, if the same does not exceed the sum of one thousand dollars, and the receipt of such affiant or affiants, is sufficient acquittance therefor.

Surviving heirs may collect money deposited in banks.

Banks authorized to pay.

The surviving husband or wife, or the guardian of the estate of any insane or incompetent husband or wife of any deceased person, or if no husband or wife is living, then the children or the guardian of the estates of any minor or insane or incompetent children of said deceased, or if no children are living, then the father or mother, or the guardian of the estate of any insane or incompetent father or mother of such decedent, and if neither the father nor mother is living then the brothers and sisters, or the guardian of the estates of any minor or insane or incompetent brothers and sisters of such decedent may, without procuring letters of administration, be entitled to receive from any bank or safe deposit company any personal property which said bank or safe deposit company may have in the safe deposit vaults or boxes of said bank or safe deposit company, or which the said bank or safe deposit company may have for safe keeping belonging to said decedent;

Surviving heirs entitled to safe deposits and to transfer of stocks.

provided, that the entire value of said personal property left by said decedent in all banks or safe deposit companies in the State of California shall not exceed the sum of one thousand dollars, and may receive and receipt for the same fully discharging said bank or safe deposit company from any further liability with reference thereto, and may receive from any corporation a transfer of any of said corporation's capital stock belonging to said decedent if the entire amount of said stock and other personal property, including money in bank and left by said decedent, is of a value not to exceed one thousand dollars.

Banks authorized to deliver safe deposits and to transfer stocks.

Any bank, safe deposit company, or other corporation, upon receiving an affidavit reciting the death of the decedent and that affiant is entitled to the personal property or stock under the provisions of this section, and that affiant, or affiants, are the next of kin of said decedent, according to the provisions of this section, and that the value of the entire amount of the personal property left by said decedent, inclusive of money in banks, does not exceed the sum of one thousand dollars, may deliver to said affiant, or affiants, any such personal property or stock, if the same does not exceed in value the sum of one thousand dollars, and the receipt of such affiant or affiants is sufficient acquittance therefor and a sufficient authorization for the transfer of said stock.

CHAPTER 271.

An act withdrawing certain state land from sale or lease and setting the same aside for the use and benefit of Indians.

[Approved May 30, 1923.]

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

State land set aside for use and benefit of Indians.

SECTION 1. The following described state land is hereby withdrawn from sale or lease and set aside for the use and benefit of Indians under such rules and regulations as may be prescribed by the surveyor general: East half of section sixteen, township twenty-two north, range sixteen east; west half of the northwest quarter of section thirty-six, township twenty-three north, range sixteen east; north half of the southwest quarter of section thirty-six, township twenty-seven north, range nine east, section thirty-six, township thirty-three north, range thirteen east, and the north half of the northwest quarter, southeast quarter of northwest quarter, northeast quarter and north half of southeast quarter of section sixteen, township thirty-nine north, range seven east, Mount Diablo base and meridian.

CHAPTER 272.

An act appropriating money to pay the claim of Frank Pedroncelli against the State of California.

[Approved May 31, 1923.]

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

SECTION 1. The sum of three hundred fifty dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of Frank Pedroncelli against the State of California. The state controller is hereby directed to draw his warrant in favor of Frank Pedroncelli for said sum of three hundred fifty dollars and the state treasurer is hereby directed to pay the same.

Appropriation: claim of Frank Pedroncelli

CHAPTER 273.

An act making an appropriation to meet the deficiency in the appropriation for the support of the University of California, southern branch, for the seventy-third and seventy-fourth fiscal years.

[Approved May 31, 1923.]

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

SECTION 1. The sum of two hundred thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to meet the deficiency in the appropriation for the support of the University of California, southern branch, for the seventy-third and seventy-fourth fiscal years.

Appropriation: University, southern branch, deficiency.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the state, it is hereby declared an urgency measure and shall, under the provisions of section one of article four of the constitution, take effect immediately.

CHAPTER 274.

An act appropriating money for the maintenance and repair of the California state building at Balboa Park, San Diego.

[Approved May 31, 1923.]

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

SECTION 1. The sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for the maintenance and repair of the California state building at Balboa Park, San Diego.

Appropriation: state building at Balboa Park, San Diego.

CHAPTER 275.

An act making an appropriation to meet the deficiency in the appropriation for the support of the state prison at San Quentin for the seventy-third and seventy-fourth fiscal years.

[Approved May 31, 1923.]

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

Appropriation - San Quentin state prison, deficiency.

SECTION 1. The sum of one hundred thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to meet the deficiency in the appropriation for the support of the state prison at San Quentin for the seventy-third and seventy-fourth fiscal years.

SEC. 2. Inasmuch as this act provides for an appropriation for the usual current expenses of the state, it is hereby declared an urgency measure and shall, under the provisions of section one of article four of the constitution, take effect immediately.

CHAPTER 276.

An act appropriating money to pay the claim of the Saint Francis School of Watsonville.

[Approved May 31, 1923.]

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

Appropriation: claim of Saint Francis school of Watsonville.

SECTION 1. The sum of two thousand five hundred eighty-one and sixty-eight hundredths dollars (\$2,581.68), is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of the Saint Francis School of Watsonville, California, against the State of California.

CHAPTER 277.

An act to amend section ten of an act entitled "An act to enforce the educational rights of children and providing penalties for the violation of this act," approved March 24, 1903, as amended.

[Approved May 31, 1923.]

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

Stats. 1903, p. 305, amended.

SECTION 1. Section ten of an act entitled "An act to enforce the educational rights of children and providing penalties for the violation of this act," approved March 24, 1903, as amended, is hereby amended to read as follows:

Attendance of blind and deaf children.

Sec. 10. Any child who is blind or deaf or partially blind or deaf to an extent which renders him incapable of receiving instruction in the regular elementary or secondary schools, but whose mental condition is such as to permit application to study, shall be exempted from the provisions of this act

only when such child is resident of a city, city and county or school district which does not maintain special classes for the admission of such pupils, and when such child may not be admitted to the state school for the blind or the state school for the deaf; *provided*, that such child shall be exempted only upon the written approval of the superintendent of schools of the county.

CHAPTER 278.

An act to amend section one thousand six hundred eighty-seven of the Political Code, relating to public school teachers.

[Approved May 31, 1923.]

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

SECTION 1. Section one thousand six hundred eighty-seven of the Political Code is hereby amended to read as follows:

1687. In all schools having more than two teachers, beginners shall be taught by teachers who have had at least two years experience, or by normal school graduates; and in cities such teachers shall rank, in point of salary, with those of the assistant teachers in the highest grade in the grammar schools. *provided, however*, that the provisions of this section shall not apply to teachers of classes established and maintained under the provisions of section one thousand six hundred sixty-two and of section one thousand six hundred eighteen of the Political Code; *and, provided, further*, that uniform allowance may be made in any schedule of salaries for experience and years of service; and in no case shall boards of education or boards of school trustees draw orders for the salary of any teacher in violation of this provision, nor shall any superintendent draw any requisition for the salary of any teacher in violation thereof.

Experienced
teachers for
beginners.

CHAPTER 279.

An act to reappropriate the sum of thirty-two thousand two hundred ninety dollars for the purpose of carrying out the provisions of an act entitled "An act appropriating money to provide for the grading, paving, curbing, guttering and drainage of that portion of Oxford street, Berkeley, California, fronting upon the property of the University of California." approved June 3, 1921.

[Approved May 31, 1923.]

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

SECTION 1. The sum of thirty-two thousand two hundred ninety dollars heretofore appropriated for certain purposes set forth in an act entitled "An act appropriating money to provide for the grading, paving, guttering and drainage of that portion of Oxford street, Berkeley, California, fronting

State 1921,
p. 1671,
amended.

Appropriation: University, street improvement.

upon the property of the University of California," approved June 3, 1921, is hereby made available for the purpose of grading, paving, curbing, guttering and drainage of the east half of Oxford street, between Allston way and Hearst avenue, and the grading, paving, curbing, bulkheading, guttering, drainage and construction of sidewalks of the west half of Oxford street, between Center street and University avenue, and of such portions of the easterly one hundred fifty feet of Addison street as belong to the University of California, all being in the city of Berkeley, county of Alameda, State of California, and fronting on the property of the University of California. Said sums to be expended for that purpose by the regents of the University of California.

CHAPTER 280.

An act to add a new section to the Code of Civil Procedure to be numbered one thousand seven hundred fifty-one a, relating to disqualification of certain aliens, companies, associations and corporations for appointment as guardians of estates.

[Approved May 31, 1923.]

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

SECTION 1. A new section is hereby added to the Code of Civil Procedure to be numbered one thousand seven hundred fifty-one a and to read as follows:

Who may not be guardians.

1751a. No person ineligible to citizenship in the United States and no company, association or corporation of which a majority of the members are aliens ineligible to citizenship in the United States, or in which a majority of the issued capital stock is owned by such aliens, may be appointed guardian of any estate which consists in whole or in part of real property.

CHAPTER 281.

An act to amend section seven of an act entitled "An act amendatory of and supplementary to an act entitled 'An act to authorize the county judge of Tehama county to distribute town lots, held by him in trust for the citizens of the town of Red Bluff, and to issue certificates of title to the inhabitants of said town in accordance with their respective interests,' approved March 6, 1868."

[Approved May 31, 1923.]

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

Stats. 1877-78, p. 603, amended.

SECTION 1. Section seven of the act entitled, "An act amendatory of and supplementary to an act entitled 'An act to authorize the county judge of Tehama county to distribute town lots held by him in trust for the citizens of the town of Red Bluff, and to issue certificates of title to the inhabitants

of said town in accordance with their respective interests,' approved March 6, 1868," approved March 23, 1878, is hereby amended to read as follows:

Sec. 7. After the expiration of the time specified in the notice given by the county judge, provided for by section two of this act, the lots for which no valid application has been presented to said county judge within the time specified in said notice shall be disposed of as follows: Any party or parties desiring to obtain title to one or more thereof shall cause to be published in some newspaper published in Red Bluff in said Tehama county, at least once a week for two successive weeks, a notice stating that such party or parties intend to apply to the said county judge for such certificate of title. Said notice shall contain a definite description of the premises intended to be applied for. The said application may be made at any time after the first publication of said notice and previous to the issuance of a certificate, and must in all respects conform to and comply with the provisions of section three of this act. If within sixty days after the first publication of said notice, no other notice and application has been given and made by any other party or parties, as prescribed in this section, and if the applicant is entitled thereto, the county judge shall, upon the expiration of sixty days, issue a certificate of said title to said applicant for the premises described in said notice and application. If within sixty days after the first publication of notice of the party or parties who first give notice of intention as aforesaid, there shall be more than one application for the same lot or lots, which notice as aforesaid has been given on the expiration of said sixty days, the county judge shall issue a certificate of title to the applicant deemed by him entitled thereto, and any applicant aggrieved thereby shall proceed according to the provisions of section six of the said act of March 6, 1868, and sections six and seven of said last named act shall apply to such proceedings.

Disposal
of lots,
how made

CHAPTER 282.

An act to amend section one thousand two hundred seventy-four of the Code of Civil Procedure, relating to the sale of escheated property.

[Approved May 31, 1923.]

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

SECTION 1. Section one thousand two hundred seventy-four of the Code of Civil Procedure is hereby amended to read as follows:

1274. Sale of escheated property by state controller. The state controller is hereby authorized to sell, on behalf of and in the name of the State of California, at any time and in any manner he may deem advisable, personal property here-

Sale of
escheated
property
by state
controller.

Sale of
escheated
property
by state
controller.

tofore or hereafter distributed to the State of California pursuant to the provisions of section one thousand two hundred sixty-nine of the Code of Civil Procedure, and the proceeds of such a sale shall be delivered to and held by the state treasurer. Any real property so distributed to the state may be sold by the state controller at public auction, to the highest bidder, for cash, after notice thereof by publication, as hereinafter provided, in a newspaper published in the county in which such real property is situate, or, in an adjoining county if there be no newspaper published in such county. Such notice shall be published once a week for at least three weeks immediately preceding the date of such sale, and shall be sufficient for all the purposes of such sale if said real property be described therein in general terms. The cost of publication shall be a charge against the proceeds of such sale or in case the sale is not consummated then the cost of advertising shall be a legal charge against the appropriation for official advertising. Upon receipt of the proceeds of such sale the controller shall execute in and for the State of California a deed covering the transaction. The amount received from such sale shall be placed to the credit of the estate of such deceased person. The state controller may, in his discretion, reject any and all bids.

CHAPTER 283.

An act to add a new chapter to title two of part three of the Political Code to be numbered chapter fourteen and to include sections one thousand three hundred fifty-seven, one thousand three hundred fifty-eight, one thousand three hundred fifty-nine, one thousand three hundred sixty, one thousand three hundred sixty-one, one thousand three hundred sixty-two, one thousand three hundred sixty-three and one thousand three hundred sixty-four, to provide for absent qualified elector or electors voting at any primary or any general election while absent from the state or from the county in which he, or they, may be qualified elector or electors: to provide the method or methods of carrying out such provision or provisions; to provide the method of counting and tallying the votes of such qualified elector or electors; to require all election officers, county clerks, registrar of voters and other persons charged with any duties hereunder to perform such duties as may be required in connection therewith, and providing penalties for the violation thereof.

[Approved May 31, 1923.]

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

SECTION 1. A new chapter is hereby added to title two of part three of the Political Code, to be numbered chapter fourteen, embracing sections one thousand three hundred fifty-seven

to one thousand three hundred sixty-four, both inclusive, and to read as follows:

CHAPTER 14. ABSENT VOTERS.

1357. (a) Any duly registered voter, who, by reason of his occupation is regularly required to travel about the state, and who will be absent from his election precinct on the day on which any primary or general election is held, or who by reason of his being engaged in the military or naval service of the United States or of the state will be absent from his election precinct on the day on which any primary or general election is held, may procure a ballot of his election precinct from the county clerk or registrar of voters of the county or city and county of his residence, and cast said ballot, upon complying with the provisions of this chapter.

Absent voters may procure ballots.

(b) Not more than ten days nor less than five days before any of the elections mentioned in this chapter, any such voter may make his application in writing to the county clerk or registrar of voters of the county or city and county of his residence for such ballot, accompanied by his affidavit; which application and affidavit shall be substantially in the following form:

Application for ballot.

State of California, }
County of _____ } ss.

_____ being first duly sworn, deposes and says: I am a resident of _____ county in said state, and a duly registered voter therein. I am by reason of my occupation required to travel about the State of California (or engaged in the military or naval service of the United States, or of the state), and will be absent from my said precinct on the day of the next ensuing election. I hereby apply for an official ballot of my precinct, to be mailed to me at _____.

(Signature of applicant)

(Home address of applicant)

Subscribed and sworn to before me
this _____ day of _____, 192___

Notary Public (or other officer)

(c) Upon receipt of such application and affidavit within the time mentioned, it shall be the duty of the county clerk or registrar of voters receiving same to deliver to said applicant personally, or by registered mail at the mailing address given in said application, an official ballot of the precinct of said applicant, together with an identification envelope and a return envelope, and a small rubber stamp and stamp pad for marking said ballot: *provided, however*, that before delivering

Delivery of ballot, etc., to voter.

or mailing such ballot and supplies, the county clerk or registrar of voters shall satisfy himself from the affidavit of registration of such voter as to the truth of said affidavit, and may refuse in a proper case to deliver or send said ballot; *and provided further*, that the county clerk or registrar of voters shall not be required to mail a ballot to any address within the city or city and county or town of residence of said applicant and in which the office of said officer is situated. Upon delivering or mailing such ballot the said officer shall enter the number of the ballot and the date of delivering or mailing of same upon the application affidavit of such voter, or upon the affidavit of registration of said voter; and before the election said officer shall send to the inspector of each precinct in his county or city and county a list of the voters in his precinct applying for and receiving ballots under the provisions of this chapter.

If voter return to home precinct on election day.

(d) Should such voter return to his home precinct on election day, he shall not be allowed to vote until he shall have surrendered to the inspector of the precinct election board the absent voter's ballot, mailed to him, and other supplies with which he may have been furnished. The inspector of election shall return the unused absent voter's ballot with the unused ballots of his precinct.

Primary elections ballots.

(e) In case the election for which such voter applies for a ballot is the May presidential primary election, such voter shall state in his application affidavit, in addition to the statements set forth in the foregoing affidavit, the name of the political party with which he intends to affiliate in voting for candidates for office at the next ensuing November election, and said voter shall be given the ballot of that political party only with which he thus declares himself affiliated, according to the presidential primary law or acts amendatory thereof or supplemental thereto.

In case such election is the August primary election, the county clerk or registrar of voters shall deliver or mail to said voter a ballot only of such political party with which said voter is registered as intending to affiliate, as shown by his affidavit of registration, if such political party is participating in such election. If said voter is not registered as intending to affiliate with any one of the political parties participating in said primary election, he shall be furnished a non-partisan ballot, and no other.

Supplies for use of voters.

(f) All supplies mentioned in this chapter and necessary for the use of the voter in preparing and returning his ballot shall be prepared and furnished by the county clerk or registrar of voters of the county or city and county of which such voter is a resident, and no officer shall make any charge for services rendered to any voter under the provisions of this chapter.

Identification and return envelope.

1358. The identification envelope and return envelope provided for herein shall be of such form, size and weight as

may be necessary and convenient, as prescribed by the county clerk or registrar of voters. The identification envelope shall have printed on its face an affidavit in the following form :

State of California, }
County of _____ } ss.

I, _____, do solemnly swear that I am a resident of and a qualified voter in _____ in the city of _____, county of _____, in said state; that I have not heretofore voted for the election for which I am now casting my ballot; that I have the legal right to vote at said election, and that I have herein enclosed my ballot for such election, duly marked as required by law in the presence of _____, a _____ (official title) in and for _____ county, State of California.

(Signature)

(Residence address)

Subscribed and sworn to before me, a _____ in and for _____ county, State of California, this _____ day of _____, 192__; and I hereby certify that the affiant presented himself before me on the day above named in the city (or town) of _____, county of _____, State of California; that he exhibited to me the enclosed ballot and that same was unmarked; that he before me at the same time and place marked his ballot, but in such a manner that I did not see his vote; that he then folded and enclosed said ballot, so marked, in this envelope, which envelope he handed to me sealed; whereupon I wrote or stamped my name across the seal of said envelope and returned said envelope to him to be forwarded by him by registered mail to the county clerk or registrar of voters of the county of _____, State of California.

(Signed) _____
_____, in and for the
county of _____,
State of California.

1359. (a) Any voter applying for and receiving a ballot as hereinbefore provided, and who has not before voted for said election, may, on any day prior to the day of the election for which such ballot is to be voted, appear at the office of the county clerk or registrar of voters of the county or city and county in which such voter resides, and stamp and seal his ballot under the scrutiny of such officer, and in the following manner: The voter shall first display the ballot to such officer as evidence that the same is unmarked, and shall then proceed

Voting
prior to
election
day in
home
county.

to mark the ballot in the presence of such officer, but in such manner that such officer is unable to see how the same is being marked, and shall then fold said ballot and enclose the same in the identification envelope. The voter shall then make out and swear to the affidavit printed on the face of such envelope and deliver the same properly sealed to the officer before whom the ballot was marked. Said officer shall certify to the affidavit printed on the identification envelope and enclose said envelope in the return envelope and seal same, and after writing or stamping his name across said seal shall deposit said envelope in a safe place in his office, to be kept by him and thereafter delivered to the proper election board as hereinafter provided, and the certificate of such officer on the identification envelope shall state, in the last sentence thereof, such deposit of such envelope in his office, and not its return to the voter.

Voting on election day in other than home county.

(b) In case said voter is absent from the county or city and county of his residence on election day, and has not before voted for said election, he may appear before the clerk, or any notary public, of the city, county and county, county or town, within the State of California, in which he may be on said day, and stamp and seal his ballot under the scrutiny of such officer, in the manner hereinabove set forth. Such officer shall then certify to the affidavit printed on the identification envelope, and enclose said envelope in the return envelope and seal same, and, after writing or stamping his name across said seal, shall deliver said envelope to the voter to be by him returned by registered mail to the office of county clerk or registrar of voters, as the case may be from whom such ballot was received.

Voter in military or naval service.

(c) In case said voter is engaged in the military or naval service of the United States or of the state and is absent from his county or city and county on election day, and has not before voted for said election, he may appear before the county clerk or registrar of voters, or any notary public of the county or city and county, where he may be, or before any officer authorized for that purpose, and at a place fixed, by the proper military or naval authorities where he may be on said day, and stamp and seal his ballot in the manner hereinabove set forth. Such officer shall then certify to the affidavit printed on the identification envelope and enclose said envelope in the return envelope and seal same, and, after writing or stamping his name across said seal, shall deliver said envelope to the voter to be by him returned by registered mail to the office of the county clerk or registrar of voters, as the case may be, from whom such ballot was received.

Time limit on receipt of absent votes.

1360. All ballots cast under the provisions of this chapter must, in order that they may be counted, be received by the county clerk or registrar of voters, of the county or city and county in which such voters are registered, within fourteen days after the date of the election in which such ballots are to be counted.

Ballots delivered to supervisors to be canvassed, when.

1361. Fifteen days after any election mentioned herein, it shall be the duty of each county clerk or registrar of voters to deliver to the board of supervisors, board of elec-

tion commissioners or election board of the county, city and county, city or town, for which such election is held, all ballots received by him under the provisions of this chapter. The board of supervisors, board of election commissioners, or election board, shall meet at the usual place of such meeting, or any other place permitted by law, at ten o'clock in the forenoon of the sixteenth day after any primary or general election is held to canvass the returns, at which time the board of supervisors, or the board of election commissioners, or election board, shall canvass all of the ballots delivered to them by the county clerk or registrar of voters and shall proceed to canvass and count the same personally, or by an election board, consisting of five electors appointed by them for that purpose. At the August primary election or the May presidential primary election, the canvass shall be made in the manner prescribed by section twenty-one of the direct primary law, excepting as hereinafter provided, and the canvass of votes for any general election shall be according to the laws now in force pertaining to such general election, except as hereinafter provided.

1362. (a) The board of supervisors, board of election commissioners or election board appointed as hereinbefore provided shall proceed to count said ballots in the following manner: they shall take up such return envelopes containing such ballots separately in the presence of a majority of the members of the board of supervisors, board of election commissioners or election board, and of the public who may be present, and compare the signature of the voter on each of such envelopes with that on the registration affidavit of such voter, and the board being satisfied that the signature on the voter's identification envelope is the signature of such voter, shall announce in an audible voice the name of such voter, and shall then open such identification envelope without defacing the affidavit printed thereon or mutilating the enclosed ballot, and without unfolding said ballot deposit same in the ballot box provided for such purpose, after removing the number therefrom. After all of the ballots are deposited in said box they shall then be taken out, after said box is thoroughly shaken, and the votes counted in the usual manner by the board of supervisors, board of election commissioners, or election board appointed for that purpose and the result of such count for each candidate voted for, and for and against each proposition voted upon, in such ballots, for each precinct shall be added by the board having charge of said election to the result found by said board at the official canvass of the votes cast at said election for each of said candidates, and for and against each proposition voted upon, in each of the precincts affected by the ballots cast under the provisions of this chapter, in order that the total vote cast at said election may be found, and the total so found shall be the total vote for such precinct for such election, and for each of the candidates and propositions voted upon. The identification envelopes shall be preserved and returned to the county clerk or regis-

Manner of counting and recording votes cast.

Disposition of identification envelopes and ballots.

trar of voters to be retained in his office as a record for the period not exceeding two years, and the ballots so counted shall be preserved in the same manner as other ballots cast at such election. If in any case a majority of the board find that the signature on any identification envelope is not the same as that appearing on the original registration affidavit of said voter, said board shall refuse to open such envelope or count such ballot; and shall endorse the cause of such rejection on the face of said envelope and must be signed by a majority of said board; but no ballot shall be rejected for such cause after the envelope containing same shall have been opened.

(b) The duties imposed by this chapter upon the county clerk, or registrar of voters, shall be performed by such registrar of voters in all cases where the office of registrar of voters exists.

Penalties.

1363. Any person attempting to aid or abet fraud in connection with any vote cast or to be cast, or attempted to be cast, under the provisions of this chapter, shall be guilty of a felony, and upon conviction shall be sentenced to the penitentiary for not less than one nor more than five years. Any person attempting to vote by fraudulently signing the name of a regularly qualified voter shall be guilty of forgery. Any public official, who knowingly violates any of the provisions of this chapter, and thereby aids in any way the illegal casting, or attempting to cast, a vote, or who shall connive to nullify any of the provisions of this chapter in order that fraud may be perpetrated, shall forever be disqualified from holding office in this state, and shall forever be disqualified from exercising the right of franchise, and upon conviction shall be sentenced to the penitentiary for not less than one nor more than five years.

Construction.

1364. The provisions of this chapter shall be liberally construed in favor of the absent voter.

Constitutionality.

SEC. 2. If any section, subdivision, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act.

CHAPTER 284.

An act to amend section two hundred seventy of the Penal Code, providing punishment for failure to support a minor child.

[Approved June 1, 1923.]

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

SECTION 1. Section two hundred seventy of the Penal Code is hereby amended to read as follows:

Omitting to provide child with necessities.

270. A father of either a legitimate or illegitimate minor child who wilfully omits without lawful excuse to furnish necessary food, clothing, shelter or medical attendance for his child is guilty of a misdemeanor and punishable by

imprisonment in the county jail not exceeding two years or by a fine not exceeding one thousand dollars (\$1,000), or by both. This statute shall not be construed so as to relieve such father from the criminal liability defined herein for such omission merely because the mother of such child, or any other person, or organization, voluntarily or involuntarily furnishes such necessary food, clothing, shelter or medical attendance for such child, or undertakes to do so. Proof of abandonment or desertion of a child by such father, or the omission by such father to furnish necessary food, clothing, shelter or medical attendance for his child is prima facie evidence that such abandonment or desertion or omission to furnish necessary food, clothing, shelter or medical attendance is wilful and without lawful excuse. In the event that the father of either a legitimate or illegitimate minor child is dead or unable by reason of physical or mental infirmity to furnish the necessary food, clothing, shelter or medical attendance for his minor child, the mother of said child shall become subject to the provisions of this section and be criminally liable for the support of said minor child during the period of inability on the part of the father to the same extent and in the same manner as the father would have been had it not been for his physical or mental infirmity. The provisions of this section are applicable whether the parents of such child are married or divorced, and regardless of any decree made in any divorce action relative to alimony or to the support of the wife. Penalty.

CHAPTER 285.

An act to amend section seventeen of an act entitled "An act to reserve all minerals in state lands; to provide for examination, classification and report on the mineral and other character of state lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, and to add a new section to said act to be numbered seventeen a, relating to the entering upon tide, overflowed or submerged land by littoral or riparian owners of such land, the drilling, deepening and operation of producing wells thereon, the granting of leases thereto and providing for the rents and royalties to be paid by such littoral or riparian owners.

[Approved June 1, 1923.]

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

SECTION 1. Section seventeen of an act entitled "An act to reserve all minerals in state lands; to provide for examina- Stats. 1921,
p. 412,
amended.

tion, classification and report on the mineral and other character of state lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, is hereby amended to read as follows:

Trespass.

Sec. 17. Any person or association of persons, corporate or otherwise, excepting littoral or riparian owners of tide, overflowed or submerged land, as provided in section seventeen *a* of this act, who enters or has entered upon any land or lands coming under the provisions of this act, and who is holding, or attempting to hold or develop, any such land, is guilty of a trespass, and the claims being exerted are hereby declared to be null and void, and any property placed upon the said land is hereby declared forfeited to the state, and the surveyor general is hereby authorized and empowered to issue a prospector's permit or lease on the said land to any qualified claimant who shall comply with the provisions of this act after it becomes effective; *provided, however*, that the surveyor general may, and he is hereby expressly authorized and empowered to grant a lease, on a royalty of twelve and one-half per centum of the production, to any qualified person, or association of persons, corporate or otherwise, who shall apply therefor within three months after the passage of this act, and who, at least six months prior to the passage of this act, was operating a producing well or wells, or who was drilling the same, or actually mining for or otherwise developing the mineral products on the said area of lands; *provided, further, however*, that in case of such a lease the area shall be limited to that which is necessary for the operation of the wells or mines, and the surveyor general shall have the right to call for competitive bids for the lease or leases upon the surrounding area of land as hereinbefore provided for.

Leases to trespassers.

Sec. 2. A new section to be numbered section seventeen *a* is hereby added to said act, approved May 25, 1921, to read as follows:

Certain trespassers operating wells or drilling for oil entitled to leases.

Sec. 17*a*. If any littoral or riparian owner of land, without objection by the State of California or the United States of America or any of its officials, shall have entered upon tide, overflowed or submerged land, and for more than ten years next preceding the passage of this act, has been engaged in drilling the same, or has operated thereon, a producing well or producing wells, said littoral or riparian owner shall be entitled to a lease of such portion of such tide, overflowed or submerged land as may be necessary for the drilling of uncompleted wells and for the deepening of wells now producing or now being drilled that may hereafter become a producing well; *provided, however*, that application therefor shall

be made by such littoral or riparian owner within three months after the passage of this act. Any such lease shall provide for the payment by the lessee of a royalty of twelve and one-half per centum in amount or value of the production; *provided, however*, that said lease shall further provide that whenever the average daily production of said oil wells shall not exceed ten barrels per day but shall exceed five barrels per day, during such production said royalty shall be seven and one-half per centum in amount or value of such production; whenever the average daily production of such oil wells shall not exceed five barrels said royalty on such production shall be two per centum in amount or value of such production.

SEC. 3. A new section, to be numbered section eighteen a is hereby added to said act, approved May 25, 1921, to read as follows:

Sec. 18a. The surveyor general is hereby authorized to refuse to grant any permit or lease applied for under the provisions of this act when in his judgment the work of prospecting for, developing or extracting mineral would cause loss or damage to property near the land applied for.

Surveyor
general
may refuse
to lease, etc.

CHAPTER 286.

An act to amend sections three hundred sixty-three, three hundred sixty-three a, three hundred sixty-three e and three hundred sixty-three h of the Political Code, relating to the department of public works.

[Approved June 1, 1923.]

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

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

363. A department of the government of the State of California to be known as the department of public works is hereby created. The department shall be conducted under the control of the executive officer to be known as director of public works, which office is hereby created. The director shall be appointed by and hold office at the pleasure of the governor and shall receive a salary of five thousand dollars per annum. The director shall act as chief of the division of engineering and irrigation, without additional compensation. He shall be and is hereby designated state engineer. Before entering upon the duties of his office he shall execute an official bond to the State of California in the penal sum of twenty-five thousand dollars, conditioned upon the faithful performance of his duties. Except as otherwise in this article prescribed the provisions of article two of this chapter title and part of the Political Code as the same exists at the time this act takes effect and as the same may be amended from time to time shall govern and apply to the conduct of the

Department
of public
works
created.

department of public works in every respect the same as though such provisions were herein set forth at length. Whenever in said article two the term "head of the department," "head of a department" or similar designation occurs the same shall for the purpose of this article mean the director of public works.

SEC. 2. Section three hundred sixty-three *a* of the Political Code is hereby amended to read as follows:

Divisions of.

363*a*. For the purpose of administration, the department shall be forthwith organized by the director of public works in such manner as with the approval of the governor shall be deemed necessary to properly segregate and conduct the work of the department. The work of the department is hereby divided into at least three divisions to be known respectively as the division of engineering and irrigation, the division of water rights and the division of architecture. The director of public works with the approval of the governor may create such other division and subdivisions as may be necessary and change or abolish the same from time to time with the approval of the governor. The chief of the division of water rights shall receive an annual salary of five thousand dollars, the chief of the division of architecture shall receive an annual salary of four thousand eight hundred dollars.

SEC. 3. Section three hundred sixty-three *c* of the Political Code is hereby amended to read as follows:

Duties transferred to department.

363*e*. Except as in this article otherwise provided the department of public works shall succeed to and is hereby invested with all the duties, powers, purposes, responsibilities and jurisdiction of the state Carey act commission, advisory board to the state Carey act commission, state engineer, the state water commissioner and the department of engineering, and of the several officers, deputies and employees of such bodies and offices; and whenever by the provisions of any statute or law now in force or that may hereafter be enacted a duty or jurisdiction is imposed or authority conferred upon any of said bodies, offices, officers, deputies or employees, or upon any other person by any statute, the enforcement of which is transferred to the department such duty, jurisdiction and authority are hereby imposed upon and transferred to the department of public works and the appropriate officers thereof with the same force and effect as though the title of said department of public works had been specifically set forth and named therein, in lieu of the names of any such board, commission office, officer, deputy or employee thereof as the case may be. For the purposes of this article, the terms "state Carey act commission" "advisory board to the state Carey act commission" "state engineer" and "state department of engineering" shall be construed to mean and refer to the "department of public works"; and wherever in any statute or law the term "member of state Carey act commission" "member of advisory board to the state Carey act commission" and "member of state department of engineering" is used, it shall be construed to mean and refer to the

“department of public works” and the appropriate officers thereof; and wherever in any statute or law reference is made to the “advisory board to the department of engineering” or to a “member of the advisory board to the department of engineering,” such reference, in so far as it relates to matters not coming within the jurisdiction of the California highway commission shall be construed to mean and refer to the “department of public works” or to the appropriate officers thereof, respectively; and whenever in any statutes or law the term “executive member of the state water commission” or “state water commission” is used, it shall be construed to mean and refer to the chief of the division of water rights, except as otherwise provided in this article.

Except as in this article otherwise provided, said bodies and offices the duties, powers, purposes, responsibilities and jurisdiction of which are so transferred to and vested in the department of public works, and the positions of all officers, deputies and employees thereunder are and each of them is hereby abolished and shall have no further legal existence, but the statutes and laws under which they existed and all laws prescribing their duties, powers, purposes, responsibilities and jurisdiction together with all lawful rules and regulations established thereunder are hereby expressly continued in force. The department of public works shall also be in possession and control of all records, books, papers, offices, equipment, supplies, moneys, funds, appropriations, land and other property, real or personal, now or hereafter held for the benefit or use of said bodies, offices and officers.

SEC. 4. Section three hundred sixty-three *h* of the Political Code is hereby amended to read as follows:

363*h*. From and after the date upon which this act takes effect, the department of public works shall be and is hereby authorized and empowered to expend the moneys in any appropriation or in any special fund in the state treasury now remaining or made available by law for the administration of the provisions of all the statutes the enforcement of which is committed to the department or for the use, support, or maintenance of any board, commission, office or officer, that is abolished by the provisions of this article and whose duties, powers, and functions are, by the provisions of this article, transferred to and conferred upon the department of public works. Such expenditures by the department or commission shall be made in accordance with law in carrying on the work for which such appropriations were made or such special funds created.

SEC. 5. This act in so far as it does not add to, take from, or alter an existing law shall be construed as a continuation thereof.

Expenditures
by depart-
ment.

Continuation
of
existing
law.

CHAPTER 287.

An act to amend section three thousand four hundred eighty of the Political Code, relating to the issuance of bonds by reclamation districts, and to add a new section to the Political Code, to be numbered three thousand four hundred eighty and one-half, providing for a method of funding the installments of the principal of any reclamation district now or hereafter issued as and when the said installments shall mature, or any part of said installments.

[Approved June 1, 1923.]

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

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

Reclamation
district
may issue
bonds

3480. Whenever in any reclamation district in this state, now formed or which may hereafter be formed, any assessment has been levied and assessed upon the lands of said district, and remains unpaid in whole or in part, where in the judgment and opinion of the board of trustees of said district it would be for the best interest of said district or the land-owners therein to issue bonds for the purpose of obtaining money to pay the costs of reclamation, the indebtedness of the district, or any other legal charge, or when a petition signed by the owners of more than one-half of the land in the district is filed with the secretary of the board, the board of trustees of such district shall by order entered upon the records of said board, order a special election to be held at some place in said district to be designated by said board of trustees, at which said special election shall be submitted to the owners of land in said district the question of whether or not bonds of said district shall be issued in an amount equal to the amount of such assessment, or the part of such assessment remaining unpaid, which said amount shall be entered by said board of trustees in its records and stated by them in the order for such special election.

Special
election.

Evidence of
ownership
and value

For all purposes of this article relating to signing petitions and by-laws and voting at any election of reclamation districts the equalized assessment roll for the year last preceding, in each county wherein any land of the district is situated shall be sufficient evidence of ownership and of value of lands in the district as hereinafter provided. Guardians, executors, administrators and other persons holding land in a trust capacity under appointment of court may sign such petitions or by-laws or may vote without obtaining special authority therefor.

Notice of
election.

Notice of such special election must be given by the board of trustees by posting notices thereof in at least three public places in the district at least twenty-one days prior thereto, and also by publication for the same length of time in some newspaper of general circulation published in each county in which any portion of said district may be situated; and such notice must specify the time and place of holding such election,

the aggregate face value of bonds proposed to be issued and the names of three landholders of the district to act as a board of election. Affidavits of the publication and posting of such notice must be filed with the county clerk of the county in which said district or the greater part thereof is situated (herein designated as the main county), together with a copy of said order calling the election, certified by the president of the board of trustees.

At such election each owner of lands in the district shall be entitled to vote in person or by proxy and shall have the right to cast one vote for each dollar's worth of real estate owned by him in the district, such value and ownership thereof to be determined from the next preceding assessment roll of the county or counties in which the lands of said district are situate, and the board of trustees of the district shall, prior to the election, cause to be prepared and certified by the proper officer and furnished to the board of election, a true and correct copy of the said next preceding assessment roll of the said county or counties, which said certified roll shall be used by the said board of election in determining the number of votes each voter is entitled to cast. Executors, administrators, special administrators and guardians may cast the votes of the estates represented by them.

No person shall vote by proxy at such election unless authority to cast such vote shall be evidenced by an instrument in writing, duly acknowledged and certified in the same manner as grants of real property and filed with the board of election. The ballots cast at such election shall contain the words: "Bonds—yes," or the words "Bonds—no," and also the name of the person casting the ballot with the number of votes cast by him. A list of the ballots cast shall be made by the board of election, containing the name of each voter, and, if the ballot be cast by proxy, the name of the person casting it, and the number of votes cast by each, and whether the same be cast for or against the issuing of the bonds.

If any person appointed as a member of the board of election shall fail to attend at the opening of the polls, the voters then present may appoint in his place any landholder of the district. Each member of such board of election, must, before entering upon his duties take and subscribe an official oath, which oath may be administered by an officer authorized to administer oaths or by any landholder in the district. The polls shall be kept open from ten o'clock a.m., of the day of election until four o'clock p.m. At the close of the polls the board of election shall at once proceed to canvass the votes and declare the result and shall forward a certificate showing such result and the number of votes cast for and against the issuing of bonds, to the county clerk of the main county, and shall deliver a duplicate thereof to the board of trustees of the district, and shall also deliver to the said county clerk of the main county all ballots cast at such election and all documents and papers used at such election. Any person interested may contest such election within twenty days after such filing of

Who may vote.

Proxy.

Ballots.

Election officers.

Canvass of votes.

Contest.

said certificate with the said county clerk by bringing suit in the superior court of the main county; otherwise the declaration of the result by the board of election shall be final and conclusive.

Issue of bonds.

If a majority of the votes cast at such election are in favor of the issuance of bonds, the board of trustees of the district shall cause bonds in the amount stated in the order for the election to be executed and delivered, together with the assessment list, to the treasurer of said main county. Said bonds shall be of the denomination of not less than one hundred dollars nor more than one thousand dollars each; they shall be signed by the president of the board of trustees of the district and attested by the county auditor of said main county, and shall be numbered consecutively in the order of their maturity, and shall bear interest at a rate not to exceed six per cent per annum, payable semi-annually on the first day of January and the first day of July in each year at the office of said county treasurer upon the presentation of the proper coupons therefor. Coupons for each installment of interest shall be attached to said bonds and shall bear the facsimile signature of the county auditor. The principal of said bonds shall be made payable on the first day of July, or the first day of January, and in such years as the trustees may prescribe, but said bonds shall be payable serially within twenty years from their date in the manner following, to wit:

Denomination.

Interest.

Payment.

(1) Not less than ten per centum of the aggregate face value of bonds issued shall be payable within ten years from their date.

(2) Not less than ten per centum of the aggregate face value of bonds remaining unpaid at the end of ten years shall be payable each year beginning with the eleventh year from their date, until the whole amount of said bonds has been paid. Said bonds shall be substantially in the following form:

Form of bonds.

UNITED STATES OF AMERICA.

State of California.

County of.....

No.----- \$-----

Reclamation District No.-----

Reclamation District No.----- for value received hereby acknowledges itself indebted to and promises to pay to the holder hereof at the office of the treasurer of said county, in the State of California, on the first day of-----, 19----, the sum of \$-----, in gold coin of the United States of America, with interest thereon in like gold coin from date hereof until paid, at the rate of----- per cent, per annum, payable at the office of said treasurer semi-annually on the first day of January and the first day of July in each year on presentation and surrender of the interest coupons hereto attached. This bond is one of a series

of _____ bonds of like tenor and effect, except as to denomination and maturity, numbered from _____ to _____ inclusive, amounting in the aggregate to _____ dollars, issued in accordance with section three thousand four hundred eighty of the Political Code of the State of California pursuant to an election held in said reclamation district on the _____ day of _____, 19____, authorizing its issuance, and is based upon and secured by an assessment levied on the lands in said district, and filed in the office of the county treasurer of said county of _____ on the _____ day of _____, 19____, and the said reclamation district does hereby certify and declare that said election was duly called and held upon due notice, and the result thereof was duly canvassed and ascertained, in pursuance of and in strict conformity with the laws of the State of California applicable thereto, and that all of the acts and conditions and things required by law to be done, precedent to and in the issue of said bonds have been done and have been performed in regular and in due form and in strict accordance with the provisions of the law authorizing the issuance of reclamation bonds.

In testimony whereof, the said district, by its board of trustees, has caused this bond to be signed by the president of said board and attested by the auditor of said county of _____ with his seal of office affixed this _____ day of _____, 19____.

 President of said board.

Attest: _____

Auditor of the county of _____, State of California.

And the interest coupons may be substantially in the following form:

No. _____ \$ _____

Form of interest coupons.

The county treasurer of _____ county, California, will pay to the holder hereof on the _____ day of _____ 19____ at his office in said county of _____ the sum of \$ _____ in gold coin of the United States out of the funds of Reclamation District No. _____ for interest on bond of said district numbered _____.

 County Auditor.

The treasurer of said main county shall place the bonds prepared pursuant to this act to the credit of the district. Thereafter when directed by resolution of the trustees of the district, the treasurer of said county may sell the whole or any designated number of said bonds for the best price obtainable therefor, but in no event for less than ninety per cent of the face value of said bonds and the accrued interest thereon.

Sale of bonds.

Notice
of sale
of bonds.

Before making a sale of said bonds, notice shall be given by the said county treasurer by publication at least once a week for two weeks in a newspaper of general circulation published in said main county, that he will sell a specified amount of said bonds, and stating the day, hour and place of such sale, and asking sealed proposals for the purchase of said bonds, or any part thereof. At the time appointed the county treasurer shall open the bids and award the bonds to the highest responsible bidder. He may, and upon written request of a majority of the trustees must, reject any and all bids. Any sale by the county treasurer and delivery of the bonds thereunder shall be conclusive evidence in favor of the purchaser and all subsequent holders of the bonds that such sale was made upon due authority and notice. The proceeds of sale of said bonds shall be placed in the county treasury to the credit of said district, and a proper record of such transaction shall be made upon the books of said county treasurer. At any time within thirty days after said bonds shall have been delivered to the treasurer of the county, an action may be commenced in the superior court of said main county by the trustees of said reclamation district in its name against the lands in said district and all persons owning the same or interested therein, to have it determined that said bonds are a legal obligation of such reclamation district, and in the event no such action is brought then the same may be commenced by any landowner in the district within thirty days thereafter. It shall be sufficient to describe said lands as all lands in the district (naming it) without a more specific description. The summons shall be published once a week for two weeks in some newspaper of general circulation published in the county where the action is pending. Within thirty days after the first publication of summons any owner of land in such district, or any person interested, may appear and answer the complaint, which answer shall set forth the facts relied upon to show the invalidity of said bonds. The default of all defendants not so appearing may be entered. Such action shall be given precedence in hearing and trial over all other civil actions in such court, and judgment rendered declaring such matter so contested either valid or invalid. Any party not in default may have the right to appeal to the supreme court within thirty days after the entry of judgment. Judgment for the plaintiff in such proceedings shall be considered as a judgment in rem and shall be conclusive against said district and against all lands therein and all owners thereof and other interested persons.

Action to
determine
legality
of bonds.

Answer to
complaint.

Warrants.

The board of trustees of said district may draw warrants upon the said county treasurer against the funds provided by sale of bonds, which said warrants shall be approved by the board of supervisors of said main county.

Money paid
to county
treasurer.

All moneys collected by any county treasurer upon any assessment upon which bonds shall have been issued, including all moneys derived from sale of land for delinquent installments, or from redemption thereof, or from sale of lands bought by the treasurer at any such sale, shall be by such treasurer

forthwith paid into the main county treasury to the credit of the bond fund of such reclamation district, and shall be used exclusively for the payment of principal and interest of said bonds issued on such assessment, and of the principal and interest of any refunding bonds issued thereon.

The bonds of reclamation districts issued pursuant to this code which have been investigated and certified by any officer of this state now or hereafter authorized to make such investigation and certification and by the authority of which certification are declared to be legal for investments by savings banks of this state may be lawfully purchased, or received in pledge for loans by savings banks, trust companies, insurance companies, guardians, executors, administrators and special administrators, or by any public officer or officers of this state or of any county, city or city and county or other municipal or corporate body within this state having or holding funds which they are allowed by law to invest or loan.

Bonds
legal
invest-
ment.

If the trustees deem it advisable they may order a special election to be held prior to making an assessment, to determine whether or not bonds shall be issued for an amount to be stated in the order for such election, but no bonds shall, in such instance, be issued until an assessment for the amount of the bonds authorized at such election shall have been made and filed with the county treasurer.

Special
election.

The lien of any unpaid assessment upon which bonds shall have been issued shall continue until all said bonds, and any refunding bonds which may be issued, shall have been paid in full, and if for any reason any part of such principal or interest of said bonds, or of refunding bonds shall remain unpaid after enforcement of said assessment as in this article provided, the board of supervisors of the main county shall order an additional or supplemental assessment to be made as provided in section three thousand four hundred fifty-nine, sufficient to pay such unpaid principal and interest; which additional or supplemental assessment shall be enforced and collected in the same manner as the original assessment.

Additional
assessment.

If any district having authorized the issuance of a series of bonds shall issue an additional series of bonds based on another assessment, the dates of maturity of such additional series of bonds shall be such that the latest maturities thereof shall not exceed thirty years and the earliest maturity of bonds of such additional series shall be later than the latest maturity of bonds of any earlier series, excepting refunding bonds. All provisions of this section relative to the original issue of bonds shall apply to such additional series of bonds so far as applicable and also so far as applicable shall affect existing reclamation districts as well as those hereafter formed.

Additional
bonds.

Any district which has issued bonds of different denominations, may, by an order entered in its minutes, upon request of holders thereof, and upon the deposit of the bonds issued and outstanding with the board of trustees, issue to the holders of such deposited bonds, bonds of the district in the same form but in different denominations, but having the same aggregate

Bonds of
different
denomina-
tions.

face value and maturity. Such bonds shall be executed by all of the persons who are required by law to execute the original bonds for which such exchange is made, and the said bonds so deposited shall be thereupon canceled by the treasurer of the main county and the board of trustees of the district.

Bonds
issued
prior to
this
amend-
ment.

Whenever in any reclamation district in the state a bond issued of said district has been authorized prior to this amendment then the provisions of this section hereby amended in respect to the manner of procedure by which the assessments are called in to meet payments on account of principal or interest of such bonds, and also the provision herein contained by which the assessment shall continue in full force and effect as constituting a lien upon the several tracts of land within said district under the provisions of section three thousand four hundred sixty-three of this code until the principal and interest of all bonds issued on the basis of said assessment shall have been paid in full, and also the provisions in reference to refunding bonds, shall apply to and inure to the benefit of the bonds which may have been issued by any reclamation district in this state prior to the date of the enactment of this amendment.

Warrants
accepted.

Upon a sale of any of the bonds provided herein (except refunding bonds) the county treasurer of the main county is hereby authorized to accept in payment for said bonds, either in whole or in part, outstanding warrants of such district at their face value, together with the accrued interest thereon.

Interest on
unpaid
assessments.

Where bonds of the district have been authorized to be issued on such assessments all unpaid assessments shall bear interest at the rate of seven per cent per annum from the date of the bonds originally issued thereon until such bonds and any refunding bonds issued thereon shall have been fully paid and discharged, and the interest due at any time on said unpaid assessments may be called without calling any installment of the said assessment. The word installment as used in this section shall be construed as applying to interest as well as the principal as the case may be.

Estimate
of amount
to pay
interest and
principal.

At least ninety days before any interest date of the bonds, including refunding bonds, the county treasurer of the main county shall estimate the amount of money necessary to pay interest and principal maturing on such interest date after crediting thereon the funds in the treasury applicable to the payment thereof, and shall add thereto fifteen per cent of such aggregate sum to cover possible delinquencies, and said county treasurer shall thereupon cause to be published once a week for two weeks in some newspaper of general circulation published in each county in which any of the district may be situate a notice substantially in the following form:

Form of
notice.

(Name of reclamation district.) Notice is hereby given that an installment of assessment (describing it) of (amount or proportion thereof including interest thereon or only for interest) is payable within thirty days from (date) by all assessed land-owners of said district in the county of (name of county) to the treasurer of said county. All or any part of said installment

or interest which shall remain unpaid on the (day fixed) will be delinquent, together with accrued interest thereon, with twenty per cent of such installment and interest added as penalty.

Dated (date).

(Signed) _____
Treasurer of _____ county.

If no newspaper is published in said county, such publication shall be made in a newspaper published in an adjoining county. If any part of such installment or any interest thereon shall remain unpaid at the expiration of thirty days from the date of said notice, it shall become delinquent and twenty per cent of the unpaid amount of said installment and interest shall be added thereto and collected by said treasurer. When any installment shall have become delinquent, said treasurer shall publish once a week for two weeks in a newspaper of general circulation in each county in which any portion of the said delinquent land may lie (or if no newspaper is published therein, then in a newspaper published in an adjoining county), a notice containing a description of each parcel of land assessed in the district whereon such installment is delinquent, as such description appears on the assessment list, the name of the person to whom it is assessed, to unknown owners if such is the fact; the amount of the installment delinquent on such parcel, the amount of interest thereon reckoned to the day of sale, the amount of said twenty per cent penalty thereon, and a notice that each of said parcels will be sold at public auction by said county treasurer in front of the courthouse of said main county, at a specified day and hour which shall not be less than thirty days nor more than sixty days from the date of delinquency, to pay said delinquent installment, with said accrued interest and penalty. At the time stated in said notice, the county treasurer shall sell each parcel of land described in said notice to the highest bidder, unless prior thereto he shall have received payment in full of said delinquent installment together with such interest and penalty. No bid for any parcel shall be accepted less than the aggregate sum then due on said installment thereon, with interest and penalty, and such sale shall be made for cash (except the treasurer may receive from any purchaser at their face value in lieu of cash, bonds of said district or their interest coupons, issued on said assessment and then matured or to mature within sixty days after such sale). Any bond or coupon so received in payment shall be by the treasurer forthwith canceled and filed in his office. If the entire amount of any such bond or coupon tendered in payment shall not be required to complete payment of the purchase money, the treasurer shall endorse thereon as paid, the amount of such purchase money credited thereon. If no bid is made for any parcel at such sale equal to the amount of the installment delinquent thereon, with interest and penalty, the treasurer shall bid in and sell said parcel to himself and his successors in office, as

Delinquent installments.

Publication of notice

Sale of land

Payment in bonds.

Sale to treasurer.

Redemption
of property.

trustee of the bond fund of said district, as purchaser, for the amount of said installment, interest and penalty. The treasurer shall execute to each purchaser, including himself as trustee, a certificate of sale, and shall record a duplicate in the county recorder's office. Any person interested in the said property may redeem the same at any time within one year after the date of sale, by paying to the county treasurer for such purchaser a sum equal to the purchase price stated in the certificate, with interest thereon at the rate of twelve per cent per annum from the date of sale to such redemption. If no redemption shall be made within one year, the treasurer upon demand and surrender of such certificate of purchase, shall execute to the purchaser, his heirs or assigns, a deed of conveyance of the parcel of land described in such certificate, which deed shall convey to the grantee therein named the said land free and clear of all encumbrances, except state, county and municipal taxes, and except any portion of any reclamation assessment remaining unpaid at the date of said sale; each installment whereof may be called and collected as herein provided, except that no parcel sold and conveyed to the district shall thereafter be subject to sale by the treasurer for delinquent installments. Every deed by a county treasurer purporting to be executed under this section shall be prima facie evidence of the truth of the matters therein recited, and of ownership by the grantee of the lands therein described. The treasurer shall credit to the bond fund of the district all money collected by him by sale or otherwise, upon assessments against which bonds shall have been issued, including interest and penalties, and he shall likewise credit to said fund the amounts of purchase money paid in bonds or coupons on sales made for said assessment. The treasurer shall charge to the general fund of the district, or to its bond fund if he has no money to the credit of its general fund, the expense of publication of notices and of recording certificates of sale. Any parcel of land bid in and purchased by a treasurer as aforesaid, as trustee of the bond fund of the district, may be sold and conveyed by him or his successor in office at any time after the expiration of said redemption period of one year, at public or private sale and with or without notice to any person paying him the amount for which said parcel was bid in by said treasurer at delinquent sale, with interest thereon at the rate of seven per cent per annum, compounded yearly, from the date of said delinquent sale, and also the amount of all subsequent installments then delinquent, with accrued interest and penalties thereon. Such payment may be made either in cash or in matured bonds and coupons issued on said assessment, taken at their face value, and the treasurer shall execute a deed to such purchaser upon such sale, conveying said property free of encumbrance except state, county and municipal taxes, and the unpaid balance of said assessment. If any land so held by a county treasurer as trustee of the bond fund of a district shall remain unsold after the final installment of the assessment shall have been collected by pay-

Moneys
credited
to bond
fund.

Sale of
land pur-
chased by
treasurer.

Sale at
public
auction.

ment or sale, then such treasurer shall sell all said land so held by him at public auction to the highest bidder for cash, upon two weeks published notice, and shall deposit the proceeds of such sale in the treasury of the main county, to the credit of the bond fund of the district. Any balance remaining in such bond fund, after payment in full of the principal and interest of all outstanding bonds of the district, shall be by the treasurer transferred to the general fund of the district.

Balance transferred to general fund.

In the event that ownership of any property in the district is changed after the making of the last assessment roll for the district, the owner thereof shall be entitled to vote thereon upon production of the original or of certified copy of the record thereof in the office of the county recorder of the county in which the property is situate. Any person not legally qualified to vote who shall make any false statement in respect to his right to vote shall incur all of the penalties provided in the Penal Code of the State of California for persons illegally voting at elections.

Change in owner. ltp.

Illegal voting.

All bonds hereafter issued under this section or under section three thousand four hundred eighty and one-half shall contain a provision as follows:

Provision for calling in bonds.

“This bond is callable, in the manner provided by law, for payment on only interest-payment date, at its face value plus a premium of two per cent; and whenever, on or after such date, funds are provided for payment, interest hereon shall cease.”

Not less than ninety days before any interest-payment date the trustees, by a two-thirds vote, may adopt an order calling bonds of the district, in any amount, for payment on such date. The order shall specify the maturities of the bonds called, commencing with the earliest maturities. If less than all bonds of any maturity are called then the trustees, by a drawing, shall ascertain the bonds to be called in such maturity and the order shall designate the numbers of the bonds so drawn. A certified copy of the order shall be delivered to the county treasurer and he shall add the principal of said bonds, with a premium of two per cent, to the amount which he is required to collect for payment of the next maturing interest coupons. In his notice of call of assessment the county treasurer shall specify the amount which is included for payment of principal of bonds and premium. Bonds shall be paid in order of presentation.

Procedure for calling in bonds.

Not less than once a week for four weeks prior to the date on which bonds are called for payment the county treasurer, in a newspaper of general circulation printed and published in the main county, shall publish a notice wherein he shall set forth said order of the trustees and shall notify all holders of said bonds to present the same for payment on the date specified and that whenever, on or after such date, funds are received by him for payment of said bonds with a premium of two per cent all interest thereon shall cease.

Notice to bond-holders.

Cancellation of bonds for land owners.

Any land owner of the district who shall desire at any time to lessen or remove the lien upon his land of any assessment on which bonds have been or hereafter may be issued may deliver to the county treasurer for cancellation any bonds payable out of said assessment, and the treasurer shall credit against the assessment on his land the principal and accrued interest of said bonds.

Refunding installments of outstanding bonds.

Sec. 2. A new section is hereby added to the Political Code to be numbered three thousand four hundred eighty and one-half, and to read as follows:

3480½. Any reclamation district now existing or hereafter created may refund the whole or any part of the installments of the principal of any bond issue now or hereafter outstanding in manner as follows:

Special election.

Whenever in the judgment and opinion of the board of trustees of said district it would be for the best interests of said district or the land owners therein to refund any installment or installments of any outstanding bonds of the said district or any portion of said installment or installments, the board of trustees of said district may, by order entered upon the records thereof, order a special election to be held at some place in said district to be designated by the board at which said election shall be submitted to the owners of land in said district the question of whether or not any installment or installments of the outstanding bonds of said district or any part of any said installment or installments, shall be refunded. Said order for said special election shall set forth the maturities and rate of interest of said refunding bonds, the date and the total amount of the principal thereof, and also the portion of each installment of the bonds which are to be refunded. The principal of the refunding bonds shall not exceed the installment, or the part of an installment which is to be refunded.

Notice of election.

Notice of such special election shall be given by the board of trustees by posting notices thereof in at least three public places in the district at least twenty-one (21) days prior thereto, and, also, by publication for the same length of time in some newspaper of general circulation published in each county in which any portion of the district may be situate, and such notices shall be substantially in the following form:

“Notice of special election to determine whether or not refunding bonds shall be issued.

Notice is hereby given that at a meeting of the board of trustees of Reclamation District No. _____ held on the _____ day of _____, 19____, a resolution and order was duly adopted by the said board calling a special election of the land owners of this district, for _____ the _____ day of _____, 19____, at _____ in the County of _____ in said district, to determine whether or not \$ _____ of the installments of the principal of the outstanding bonds of this district, dated the _____ day of _____ 19____, and maturing on the first day of _____ in the years _____ shall be refunded by the

issuance of refunding bonds dated and maturing and in the following principals, all bearing interest at the rate of ---- per cent per annum :

Dated:----- Principals:----- Maturing:-----

And notice is hereby further given that----- and-----, three landowners of said district, are hereby appointed to act as the board of election for said election.

The polls at said election will be open from 10 a. m. of said day until 4 p. m.

Witness the name and the seal of the said district this----- day of-----, 19---

Reclamation District No.-----

By -----

President.

By -----

Secretary.”

(Seal)

Affidavits of publication and posting of such notices must be filed with the county clerk of the county within which the said district or the greater part thereof is situate, together with a copy of the said order calling said election, certified by the president of the board of trustees, and attested by the secretary thereof, with the seal of the district affixed. And avails to be filed.

At such election each owner of lands in the district shall be entitled to vote in person or by proxy and shall have the right to cast one vote for each dollar's worth of real estate owned by him in the district, such value and ownership thereof to be determined from the next preceding assessment roll of the county or counties in which the lands of said district are situate, and the board of trustees of the district shall, prior to the election, cause to be prepared and certified by the proper officer and furnished to the board of election, a true and correct copy of the said next preceding assessment roll of the said county or counties, which said certified roll shall be used by the said board of election in determining the number of votes each voter is entitled to cast. Executors, administrators, special administrators and guardians may cast the votes of the estates represented by them. Who may vote.

In the event that ownership of any property in the district is changed after the making of the last assessment roll for the district, the owner thereof shall be entitled to vote thereon upon production of the original or of certified copy of the record thereof in the office of the county recorder of the county in which the property is situate. Any person not legally qualified to vote who shall make any false statement in respect to his right to vote shall incur all of the penalties provided in the Penal Code of the State of California for persons illegally voting at elections. Changed ownership. Illegal voting.

No person shall vote by proxy at such election unless authorized to cast such vote shall be evidenced by an instrument in Proxy.

Ballots. writing, duly acknowledged and certified in the same manner as grants of real property and filed with the board of election. The ballots cast at such election shall contain the words: "Refunding Bonds—yes," or the words "Funding Bonds—no," and also the name of the person casting the ballot with the number of votes cast by him. A list of the ballots cast shall be made by the board of election, containing the name of each voter, and, if the ballot be cast by proxy, the name of the person casting it, and the number of votes cast by each, and whether the same be cast for or against the issuing of the bonds.

Election Officers. If any person appointed as a member of the board of election shall fail to attend at the opening of the polls, the voters then present may appoint in his place any landholder of the district. Each member of such board of election, must, before entering upon his duties take and subscribe an official oath, which oath may be administered by an officer authorized to administer oaths or by any landholder in the district. The polls shall be kept open from ten o'clock a.m. of the day of election until four o'clock p.m. At the close of the polls the board of election shall at once proceed to canvass the votes and declare the result and shall forward a certificate showing such result and the number of votes cast for and against the issuing of said refunding bonds, to the county clerk of the main county, and shall deliver a duplicate thereof to the board of trustees of the district, and shall also deliver to the said county clerk of the main county all ballots cast at such election and all documents and papers used at such election. Any person interested may contest such election within twenty days after such filing of said certificate with the said county clerk by bringing suit in the superior court of the main county; otherwise the declaration of the result by the board of election shall be final and conclusive.

Canvass of votes. If a majority of the votes cast at such election are in favor of the issuance of such refunding bonds, the board of trustees of the district shall cause refunding bonds in the amounts, dates and maturities and bearing the interest coupons, set out in the said order for said election, to be executed and delivered, together with a copy of said order of election, certified as aforesaid, to the treasurer of the said main county. Said refunding bonds shall be of the denomination of not less than one hundred dollars nor more than one thousand dollars each; they shall be signed by the president of the board of trustees of the district and attested by the county auditor of the said main county, and shall be numbered consecutively in the order of their maturity and said refunding bonds shall bear interest at a rate not to exceed six per cent per annum from the dates, respectively, on which the bonds to be refunded thereby shall mature, interest payable semi-annually on the first day of January and the first day of July of each year at the office of said county treasurer upon the presentation

Contest.

Issue of bonds.

Denomination.

Interest.

of the proper coupons therefor. Coupons for each installment of said interest shall be attached to said refunding bonds and shall bear the facsimile signature of the county auditor. The principal of said refunding bonds shall be made payable on the first day of July, or the first day of January, and in such years as the trustees may prescribe, but said bonds shall, in any event, be payable serially within at least fifty years from and after their date.

Coupons.

Payment.

Form of bonds.

Said bonds shall be in substantially the following form:

United States of America.

State of California.

County of-----

No.----- \$-----

Reclamation District No.-----

Reclamation District No.-----, for value received, hereby acknowledges itself indebted to and promises to pay to the holder hereof at the office of the treasurer of said -----county, in the State of California, on the-----day of-----, 19---, the sum of \$----- in gold coin of the United States of America, with interest thereon in like gold coin from the -----day of-----, 19---, (date of maturity of refunded bond) until paid, at the rate of-----per cent per annum, payable at the office of said treasurer semi-annually on the first day of January, and the first day of July in each year on presentation and surrender of the interest coupons hereto attached. This bond is one of a series of refunding bonds of like tenor and effect, except as to denomination and maturity, numbered from-----to -----inclusive, amounting in the aggregate to the sum of-----dollars, issued in accordance with section 3480½ of the Political Code of the State of California pursuant to an election held in said reclamation district on the-----day of-----, 19---, authorizing their issuance, and are issued for the purpose of refunding \$-----of the installments of the principal of the bonds of this district dated the -----day of-----, 19---, and outstanding on the-----day of-----, 19---, as and when said outstanding bonds may become due and payable, and this bond is based upon and secured by the assessment levied on the lands in said district, and filed in the office of the county treasurer of said county of----- on the-----day of-----, 19---, and the said reclamation district does hereby certify and declare that said election was duly called and held upon due notice, and the result thereof was duly canvassed and ascertained, in pursuance of and in strict conformity with the laws of the State of California applicable thereto, and

that all of the acts and conditions and things required by law to be done, precedent to and in the issue of said bonds have been done and have been performed in regular and in due form and in strict accordance with the provisions of the law authorizing the issuance of reclamation bonds.

This bond is one of the bonds issued to refund \$----- of the principal of bonds numbered ----- of this district, dated the said ---- day of -----, 19----, and maturing -----, 19-----.

In testimony whereof, the said district, by its board of trustees, has caused this bond to be signed by the president of said board and attested by the auditor of said county of ----- with his seal of office affixed this ----- day of -----, 19-----.

President of said board.

Attest: -----

Auditor of the county of -----, State of California.

And the interest coupons may be substantially in the following form:

Form of interest coupons.

No.----- \$-----

The county treasurer of -----county, California, will pay to the holder hereof on the ----- day of -----, 19----, at his office in said county of ----- the sum of \$----- in gold coin of the United States out of the funds of Reclamation District No. ----- for interest on refunding bond of said district numbered-----

County Auditor.

At any time within thirty days after said refunding bonds shall have been delivered to the treasurer of the county, an action may be commenced in the superior court of said main county by the trustees of said reclamation district in its name against the lands in said district and all persons owning the same or interested therein, to have it determined that said refunding bonds are a legal obligation of such reclamation district, and in the event no such action is brought then the same may be commenced by any landowner in the district within thirty days thereafter. It shall be sufficient to describe said lands as all lands in the district (naming it) without a more specific description. The summons shall be published once a week for two weeks in some newspaper of general circulation published in the county where the action is pending. Within thirty days after the first publication of summons any owner of land in such district, or any person interested, may appear and answer the complaint, which answer shall set forth the facts relied upon to show the invalidity of said refunding bonds. The default of all defendants not so appearing may be entered.

Action to determine legality of bonds.

Answer to complaint.

Such action shall be given precedence in hearing and trial over all other civil actions in such court, and judgment rendered declaring such matter so contested either valid or invalid. Any party not in default may have the right to appeal to the supreme court within thirty days after entry of judgment. Judgment for the plaintiff in such proceedings shall be considered as a judgment in rem and shall be conclusive against said district and against all lands therein and all owners thereof and other interested persons.

Hereafter, yearly and not less than four months prior to the day of maturity of the outstanding bonds of the district next maturing and to be so refunded (in whole or in part), the board of trustees of the said district may, by resolution, direct the treasurer of said county to sell that portion of the said refunding bonds applicable to the refunding of the said outstanding bonds so next maturing. Thereupon the said treasurer shall give notice by publication at least once a week for at least two weeks in a newspaper of general circulation published in the main county, that he will sell a specified amount of said refunding bonds, and stating the day, hour and place of said sale, and asking for sealed proposals for the purchase of said refunding bonds, or any part thereof. At the time appointed for said sale, which shall in any event be at least ninety-five days prior to the day of maturity of the principal of said outstanding bonds to be so refunded by the sale of said refunding bonds, the county treasurer shall open the bids and award the said refunding bonds, or any designated number thereof, to the highest responsible bidder but at a price in no event less than the full face value of said refunding bonds. The county treasurer may, and upon written request of a majority of the trustees, must, reject any and all bids. Any sale by the county treasurer shall be conclusive evidence in favor of the purchaser and all subsequent holders of said refunding bonds that such sale was made upon due authority and notice. A proper record of such transaction shall be made upon the books of the county treasurer and the proceeds of the sale of the said refunding bonds shall be placed in the county treasury to the credit of the bond fund of the district, and the said proceeds shall be used and applied only in payment, in whole or in part, of the principal of the outstanding bonds to be refunded by the said refunding bonds so sold.

All refunding bonds not so sold and issued at least ninety-five days prior to the day on which the outstanding bonds to be refunded thereby shall mature, shall be forthwith canceled by the said county treasurer and shall never be an obligation of the district.

The principals and interest of refunding bonds shall be based on and payable out of the assessment or assessments upon which the bonds so refunded were payable, in accordance with the provisions of section three thousand four hundred eighty of this code.

Sale of
refunding
bonds

Notice.

Proceeds
of sale.

Un. old
bonds to be
canceled.

Payment of
principal
and
interest.

Bonds
accepted in
payment.

The purchaser of any refunding bonds may use in payment any bonds of the maturities and series which will be paid by the proceeds of the sale.

CHAPTER 288.

An act to amend section two thousand three hundred nineteen i of the Political Code, relating to the licensing of nurserymen, and to repeal section two thousand three hundred nineteen j of the Political Code, relating to the shipment of nursery stock.

[Approved June 1, 1923.]

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

SECTION 1. Section two thousand three hundred nineteen i of the Political Code of the State of California is hereby amended to read as follows:

Nurseryman,
etc., to
obtain
license.

2319i. Any nurseryman, agent, jobber, person, firm, or organization operating in the State of California, who ships, sells or handles nursery stock, trees, plants, shrubs, bulbs, or vines, which are for planting or propagation purposes, shall first obtain a license from the director of agriculture. Such license shall be good for the fiscal year and shall be issued by the director of agriculture upon receipt of payment of a fee of five dollars to which shall be added the sum of fifty cents for each acre of growing nursery stock after the first acre; such fee not to exceed fifty dollars in any case.

Repealed.

SEC 2. Section two thousand three hundred nineteen j of the Political Code of the State of California is hereby repealed.

CHAPTER 289.

An act to add a new article to chapter three of title one of part three of the Political Code, to be numbered article two f, embracing sections three hundred sixty-five to three hundred sixty-five c, both inclusive, relating to the California highway commission.

[Approved June 1, 1923.]

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

SECTION 1. The Political Code is hereby amended by adding a new article to chapter three of title one of part three thereof, to be numbered article two f, embracing sections three hundred sixty-five to three hundred sixty-five c, both inclusive, and to read as follows:

ARTICLE II.

CALIFORNIA HIGHWAY COMMISSION.

365. The California highway commission is hereby created to consist of three members, to be appointed by and hold office at the pleasure of the governor. Each member shall receive a salary of three thousand six hundred dollars per annum. The governor shall designate the chairman of such commission and shall fill vacancies occurring for any cause in the membership thereof. The chairman of said California highway commission shall be a member of the highway finance board. The governor shall appoint a competent engineer who shall be state highway engineer, which office is hereby created. Said highway engineer shall receive a salary of ten thousand dollars per annum, which salary shall be paid at the same time and in the same manner as the salaries of other state officers are paid. The highway engineer shall be the executive officer of the California highway commission. Except as otherwise in this article prescribed, the provisions of article two of this chapter, title and part of the Political Code as the same shall exist when this act takes effect and as the same may be amended from time to time, shall govern and apply to the conduct of the California highway commission in every respect the same as if such provisions were herein set forth at length. Whenever in said article two the term "head of the department", "head of a department", or similar designation occurs the same shall for the purposes of this article mean the "California highway commission" hereby created.

California
highway
commission
created.

365a. The California highway commission hereby created shall succeed to, and is hereby invested with all the duties, powers, purposes and responsibilities and jurisdiction of the California highway commission. The state highway engineer and the appointed members of the advisory board to the department of engineering which formerly composed a subdivision of the department of engineering designated as the California highway commission. Whenever by the provisions of any statute or law now in force or that may be hereafter enacted, a duty or jurisdiction is imposed or authority conferred upon the California highway commission or the highway engineer, such duty, jurisdiction and authority are hereby transferred to, imposed and conferred upon the California highway commission hereby created and the appropriate officers thereof with the same force and effect as though the title of said California highway commission had been specifically set forth and named therein in lieu of the name of any such bodies, commission, office, or officer, as the case may be.

Duties
transferred
to com-
mission.

For the purposes of this article, the term "California highway commission" or "highway engineer" shall be construed to mean and refer to the "California highway commission" hereby created, and whenever in any statute or law the term "appointed member of the advisory board to the state

department of engineering", "member of the California highway commission" or "highway engineer" is used, it shall be construed to mean and refer to the members of the "California highway commission" hereby created.

Bodies and
offices
abolished.

Said bodies and offices, the duties, powers, purposes, responsibilities and jurisdiction of which are so transferred to and vested in the California highway commission hereby created, and the positions of all officers, deputies and employees thereunder are and each of them is hereby abolished and shall have no further legal existence, but the statutes and laws under which they existed and all laws prescribing their duties, powers, purposes, responsibilities and jurisdictions, together with all lawful rules and regulations established thereunder are hereby expressly continued in force.

The California highway commission hereby created shall be in possession and control of all the records, books, papers, offices, equipment, supplies, moneys, funds, appropriations, lands, or other property real or personal, now or hereafter held for the benefit or use of said bodies, offices and officers.

Powers of
commission.

365b. The California highway commission hereby created is hereby invested with the power, and is charged with the duty of administering and enforcing all laws now or hereafter imposing any duty, power or function upon any offices, officers, deputies or employees herein transferred to said commission.

Expenditures
by
commission.

365c. From and after the date upon which this act takes effect the California highway commission hereby created shall be and is hereby authorized and empowered to expend the moneys in any appropriation or in any special fund in the state treasury now remaining or made available by law for the administration of the provisions of all of the statutes the enforcement of which is committed to the said commission or for the use, support, or maintenance of any board, commission, office, or officer that is abolished by the provisions of this article and whose duties, powers and functions are, by the provisions of this article, transferred to and conferred upon the California highway commission. Such expenditures by the said commission shall be made in accordance with law in carrying on the work for which said appropriations were made or said special funds created.

Continuation
of existing
law.

SEC. 2. This act in so far as it does not add to, take from, or alter an existing law shall be construed as a continuation thereof.

CHAPTER 290.

An act to amend section one thousand three hundred ninety-four and one-half of the Political Code relating to fees and rates of tuition of non-resident students of the University of California.

[Approved June 2, 1923.]

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

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

1894½. An admission fee and rate of tuition fixed by the regents of the University of California must be required of each nonresident student. The regents shall cause to be computed the actual cost to the university of maintaining one student in each of the respective courses of the several colleges for the period of one year. Each nonresident student shall be required to pay as the rate of tuition the sum provided for by the above computation for the particular course such student is following; *provided*, that the maximum sum to be paid shall not exceed five hundred dollars; *and provided, further*, that such sums may be remitted in whole or in part in the case of graduate students in other than professional colleges and schools. The term "nonresident student" as used in this section shall be construed to mean any person who has not been a bona fide resident of the State of California for more than one year immediately preceding the opening day of a semester during which he proposes to attend the university. The residence of each student shall be determined in accordance with the rules for determining residence prescribed by the provisions of section fifty-two of this code; *provided, however*, that every alien student who has not made a valid declaration of intention to become a citizen of the United States as provided by the laws thereof, prior to the opening day of a semester during which he proposes to attend the university, shall be deemed to be a nonresident student; *and further provided*, that nothing herein or in section fifty-two of this code contained shall be construed to prevent the regents from causing to be classified as a resident student any citizen of the United States who has attained his majority according to the laws of the State of California, and who for a period of one year has been entirely self-supporting and actually present in the State of California, with the intention of acquiring a residence therein, or any minor child, a citizen of the United States, who does not receive and has not for a period of more than one year immediately preceding his entrance into the university received, directly or indirectly, any support or financial assistance from his father, providing such minor lives with his mother, who is and has been continuously for a period of more than one year actually present in the State of California with the intention of making her permanent home therein.

Tuition fees
for non-
resident
students.

CHAPTER 291.

An act to repeal section sixteen of an act entitled "An act regulating the employment of women and minors and establishing an industrial welfare commission to investigate and deal with such employment, including a minimum wage; providing for an appropriation therefor and fixing a penalty for violations of this act," approved May 26, 1913, as amended.

[Approved June 2, 1923.]

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

Stats. 1913,
p. 637,
repealed.

SECTION 1. Section sixteen of an act entitled "An act regulating the employment of women and minors and establishing an industrial welfare commission to investigate and deal with such employment, including a minimum wage; providing for an appropriation therefor and fixing a penalty for violation of this act," approved May twenty-sixth, nineteen hundred thirteen as amended, is hereby repealed.

CHAPTER 292.

An act to amend section nine of an act entitled "An act to regulate the examination of applicants for license, and the practice of those licensed, to treat diseases, injuries, deformities, or other physical or mental conditions of human beings; to establish a board of medical examiners, to provide for their appointment and prescribe their duties and powers and to repeal an act entitled 'An act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation,' approved March 14, 1907, and acts amendatory thereto and also to repeal all other acts or parts of acts in conflict with this act," approved June 2, 1913, as amended.

[Approved June 2, 1923.]

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

Stats 1921,
p. 1010,
amended.

SECTION 1. Section nine of an act entitled "An act to regulate the examination of applicants for license, and the practice of those licensed, to treat diseases, injuries, deformities, or other physical or mental conditions of human beings; to establish a board of medical examiners, to provide for their appointment and prescribe their duties and powers and to repeal an act entitled 'An act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation,' approved March 14, 1907, and acts amendatory thereto and also to repeal all other acts or parts

of acts in conflict with this act," approved June 2, 1913, as amended, is hereby amended to read as follows:

Sec. 9. Every applicant must file with the board, at least two weeks prior to the regular meeting thereof, satisfactory testimonials of good moral character, and a diploma or diplomas issued by some legally chartered school or schools approved by the board, the requirements of which school or schools shall have been at the time of granting such diploma or diplomas in no degree less than those required under this act, or satisfactory evidence of having possessed such diploma or diplomas, and must file an affidavit stating that he is the person named in said diploma or diplomas, and that he is the lawful holder thereof, and that the same was procured in the regular course of instruction and examination without fraud or misrepresentation; *provided*, that in addition thereto, each applicant for a "physician and surgeon certificate" must show that he has attended four courses of study, each such course to have been of not less than thirty-two weeks duration, but not necessarily pursued continuously, or consecutively; *provided, further*, that an applicant for a "drugless practitioner certificate" must show that he has attended two courses of study, each such course to have been of not less than thirty-two weeks duration, but not necessarily pursued continuously or consecutively; the course in chiropody is to consist of not less than thirty-nine weeks consisting of not less than six hundred sixty-four hours; *provided, further*, that an applicant for a certificate to practice midwifery must show that the applicant has attended a one-year course in a hospital recognized as reputable by the board, and that a course of instruction in anatomy, physiology, obstetrics and hygiene and sanitation as set forth in section ten hereof has been taken, covering a period of one year; *provided, further*, that in lieu thereof, an applicant who can submit satisfactory proof of the possession of a diploma from a recognized reputable hospital, and who in addition thereto has attended a course of instruction in the subjects enumerated in section ten hereof and satisfactory proof that such instruction has been taken covering a period of at least three months; *and provided, further*, that in lieu thereof an applicant may present proof satisfactory to the board that the applicant has taken a course of instruction with the minimum requirements as designated in section ten of any school or schools approved by the board as giving a course of instruction in said subjects for a certificate to practice medicine and surgery; *provided, also*, that before July 1, 1918, in lieu of the diploma or diplomas and preliminary requirements herein referred to where the applicant can show to the satisfaction of the board of medical examiners that he has taken courses hereinafter required in a school or schools approved by the board totaling for applicants for "drugless practitioner certificate" not less than sixty-four weeks consisting of not less than two thousand hours and for "physician and surgeon certificate" totaling not less than one hundred twenty-eight weeks consisting of not less than four thousand hours, it being required that

Applicants
must file
testimonials,
diplomas,
etc.

all applicants shall have received passing grades in all such courses, that the applicant or applicants shall be admitted to examination for their respective form of certificates.

Application.

Preliminary education.

The said application shall be made upon a blank furnished by said board and it shall contain such information concerning the medical instruction and the preliminary education of the applicant as the board may by rule prescribe. In addition to the requirements hereinabove provided for, applicants for any form of certificate hereunder shall present to said board at the time of making such application a diploma from a California high school or other school in the State of California requiring and giving a full four years' course of same grade, or other schools elsewhere, requiring and giving a full four years' standard high school course or its equivalent, approved by the board, together with satisfactory proof that he is the lawful holder of such diploma, and that the same was procured in the regular course of instruction. The passing of an examination before the entrance examining board for the entrance to the academic department of the University of California, or Stanford University or the University of Southern California, or the possession of documentary evidence of admission to the academic department of such institutions as a regular student or in full standing shall be sufficient basic or preliminary educational qualifications. In lieu of such diploma, the applicant may present: (1) a certificate from the college entrance examination board, or the college examining board of any state or territory showing that such applicant has successfully passed the examination of said board; or (2) if such applicant be thirty years or more of age he may show to the satisfaction of the board of medical examiners proof of preliminary education equivalent in training power to the foregoing requirement. Every applicant for a "physician and surgeon certificate" graduating after January 1, 1919, shall, in addition to the foregoing requirements, present to the board satisfactory evidence that before beginning the last half of the second year in the study of medicine, he has completed a one year course of college grade in the subjects of physics, chemistry and biology; *provided*, that after January 1, 1924, the applicant shall present to the board satisfactory evidence of the completion of a one-year course of college grade in the subjects of physics, chemistry and biology before commencing the study of medicine. The preliminary or basic educational requirements for a chiroprapist shall be as follows: On and after July 1, 1915, the successful completion of one year of high school work or its equivalent; on and after July 1, 1918, two years of high school work or its equivalent; on and after July 1, 1920, three years of high school work or its equivalent; on and after July 1, 1922, four years of high school work or its equivalent.

The preliminary or basic educational qualifications for an applicant to practice midwifery in this state shall be the completion of one year of high school work or its equivalent, and for midwife applicants graduating after October, 1918, the

presentation to the board of a diploma from a California high school giving a full four years' standard high school course or its equivalent.

CHAPTER 293.

An act to add sections two hundred ninety b, two hundred ninety c, two hundred ninety d, and two hundred ninety e, and two hundred ninety f to the Civil Code, relating to the issuance of shares of corporate stock without nominal or par value, and to repeal an act entitled "An act relating to corporations and to the issuance of shares by them without a nominal or par value," approved May 29, 1917.

[Approved June 2, 1923.]

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

SECTION 1. A new section to be numbered two hundred ninety b is hereby added to the Civil Code to read as follows:

290b. Any private corporation created and existing or authorized to be created under the provisions of title one, part four, division first of the Civil Code may, if so provided in its articles of incorporation or in any amendment thereof, issue shares of stock of such corporation (other than stock preferred as to dividends or as to its distributive share in the assets of the corporation) without any nominal or par value by stating in its articles of incorporation or in such articles as so amended:

Authority
for issuance
of non-par
value
stock.

(a) The number of shares with a nominal or par value, if any, and the number of shares without a nominal or par value that may be issued by the corporation, and the classes, if any, into which such shares are to be divided, together with a statement of the distinguishing preferences, rights, privileges and restrictions of each class;

(b) The nominal or par value (which shall be the same for all shares, having a nominal or par value) of shares other than shares which it is stated are to have no nominal or par value;

(c) Either (1) the amount of stated capital with which the corporation will begin business, which amount shall not be less than five hundred dollars; and that the corporation will carry on business with a stated capital which shall not be less than the aggregate amount of the preference to which all issued and outstanding stock having a preference as to principal is entitled, and in addition thereto an amount therein stated in respect to every share of stock issued and outstanding other than stock having a preference as to principal, which amount shall not be less than five dollars for each share, and such additional amount as from time to time may be resolution of the board of directors of the corporation be transferred thereto; or (2) the amount of stated capital with which the corporation will begin business, which in no event shall be less than five hundred dollars; and that the corporation will

carry on business with a stated capital consisting of the aggregate of the amounts received by it as consideration for the issuance of its shares with no nominal or par value, the aggregate par value of all issued and outstanding shares, if any, having a nominal or par value, and such additional amounts as from time to time may by resolution of the board of directors of the corporation be transferred thereto.

Such statements in the articles of incorporation or such articles as amended shall be in lieu of any statements prescribed by the law under which the corporation shall have been formed as to the maximum amount of its capital stock or the number of shares into which the same shall be divided or the amount of the par value of such shares.

Stock
certificates.

Subject to the preferences, rights, limitations, privileges and restrictions lawfully granted or imposed in respect of any stock or class thereof, each share of such stock with no nominal or par value shall be equal to every other share of such stock. Every certificate for such shares without nominal or par value shall have plainly written or printed upon its face the number of such shares which it represents, and no such certificate shall express any nominal or par value of such shares or express any rate of dividend in terms of percentage of any nominal or par value. The certificates for preferred shares shall state the amount, if any, which the holders of each of such preferred shares shall be entitled to receive on account of principal from the assets of the corporation in preference to the holders of other shares, and shall state briefly any other rights or preferences given to the holders of such shares.

Sale price
of stock.

Subject to laws creating and defining the duties of the commissioner of corporations and to the law creating and defining the duties of the railroad commission, such corporation may issue and may from time to time sell its authorized shares without nominal or par value for such consideration as may be prescribed in the articles of incorporation or for such consideration as shall be the fair market value of such shares, and in the absence of fraud in the transaction the judgment of the board of directors as to such value shall be conclusive; or in the absence of fraud in the transaction, for such consideration as from time to time may be fixed by the board of directors pursuant to authority conferred in such articles of incorporation; or for such consideration as shall be consented to or approved by the holders of a majority of shares then outstanding at any meeting called in the manner prescribed by the by-laws of such corporation, provided the call for such meeting shall contain notice of such purpose. Any and all shares issued as permitted by this section shall be deemed fully paid, and the holder of such shares shall not be liable to the corporation in respect thereof.

Capital
paid, a
prerequisite
to doing
business,
etc.

SEC. 2. A new section to be numbered two hundred ninety c is hereby added to the Civil Code, to read as follows:
290c. No corporation authorized to issue shares with no nominal or par value shall begin business until the amount

of capital with which it will begin business, as stated in its articles of incorporation or in its articles of incorporation as amended, shall have been fully paid in, nor shall any such corporation, until the capital with which it will carry on business, as stated in its articles of incorporation or its articles of incorporation as amended, shall have been fully paid in, incur any debts in excess of the amount of stated capital paid in at the time such debts are contracted. In case of the increase of the stated capital with which the corporation will carry on business, such increase shall be deemed paid in to the extent of the amount of the assets which the corporation has in money and property in excess of the former stated capital. The directors of the corporation assenting to the creation of any debt in violation of this section shall be liable jointly and severally for the debts of such corporation; but no action shall be brought under the foregoing provision of this section unless within one year after the debt shall have been incurred the creditors shall have served upon the director written notice of intention to hold him personally liable for such debt. Any director who, because of any such liability under this section, shall pay any debt of the corporation shall be subrogated to all rights of the creditor in respect thereof against the corporation and its property and also shall be entitled to contribution from all other directors of the corporation similarly liable for the same debt and the personal representatives of any such director who shall have died before making such contribution.

Liability of directors.

Unless it shall have been first permitted or authorized so to do by the commissioner of corporations, no such corporation shall declare or pay any dividend which shall reduce the amount of its stated capital. In case any such dividend shall be declared, the directors in whose administration the same shall have been declared, except those who may have caused their dissent therefrom to be entered upon the minutes of any meeting of the directors at which such action was taken or who were not present when such action was taken, shall be liable jointly and severally to such corporation and to the creditors thereof to the full amount of any loss sustained by such corporation or by its creditors by reason of such dividend.

Dividends reducing capital.

Sec. 3. A new section to be numbered two hundred ninety *d* is hereby added to the Civil Code, to read as follows:

290*d*. For the purpose of fixing the fee prescribed by section four hundred nine of the Political Code for filing the articles of incorporation of any corporation formed under section two hundred ninety *b* of this code, the shares of stock of such corporation having no nominal or par value shall be taken to be of the par value of one hundred dollars.

Fee for filing articles of incorporation.

Sec. 4. A new section to be numbered two hundred ninety *e* is hereby added to the Civil Code, to read as follows:

290*e*. In case of any such corporation having capital stock with nominal or par value and capital stock without nominal or par value, no distinction shall be made between the classes of stock either as to voting power or as to the statutory

Voting power.

Liability to
creditors.

or constitutional liability of the holders thereof to the creditors of the corporation.

Amending
articles to
provide for
non-par
value
stock.

SEC. 5. A new section to be numbered two hundred ninety *f* is hereby added to the Civil Code, to read as follows: 290*f*. Any private corporation formed under the provisions of title one, part four, division one of the Civil Code and now existing or which may hereafter be incorporated under said title may amend its articles of incorporation for the purpose of adopting the provisions of sections two hundred ninety *b*, two hundred ninety *c*, two hundred ninety *d*, two hundred ninety *e* and two hundred ninety *f* of the Civil Code, in the manner set forth by the provisions of section three hundred sixty-two of the Civil Code of California as amended.

Stats. 1917,
p 1321,
repealed.

SEC. 6. An act entitled "An act relating to corporations and to the issuance of shares by them without a nominal or par value," approved May 29, 1917, is hereby repealed.

CHAPTER 294.

An act authorizing the leasing of certain portions of the waterfront of San Francisco for postoffice purposes.

[Approved June 2, 1923.]

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

Portion of
San Fran-
cisco water-
front may
be leased
for post-
office.

SECTION 1. The board of state harbor commissioners is hereby authorized to lease any portion of the waterfront of San Francisco under their jurisdiction for the construction and maintenance thereon of buildings, or a building, to be used exclusively as a postoffice of the United States government; and said board is further authorized to lease for the same purpose any building now existing upon any state property under the jurisdiction of said board, with the right to the lessee to connect the same with any new building that may be constructed, and to remodel such existing building in any and all particulars, as the lessee may see fit, in order to conform with the requirements of the United States government; or, said lessee may remove any existing building to make room for another and different building upon the same ground for such postoffice or postoffices; or, said board of state harbor commissioners may itself remove such building for the purposes of leasing the ground as herein contemplated.

Notice of
leasing.

SEC. 2. Before the execution of any lease a notice of the letting or leasing shall be given by publication in three of the daily papers published in San Francisco for at least ten days. Such notice shall state the lot to be leased and that bids shall be received by said board at a place and time designated in such notice, and said property shall be let to the highest and best bidder; *provided*, that all bids for lease of said lot shall set forth the purpose for which the same shall be used, and that the statements in such bids shall be embodied in the lease

Bids.

given by said board, with the condition that the lot shall be used for such purposes only; *provided, further*, that said board shall have the power to reject any and all bids; *provided, further*, that in no event shall any such lease or leases be made for a term exceeding fifty years. Term of lease.

SEC. 3. The lessee shall have the power and right to erect thereon such building as it may see fit and as shall be agreed to by the officials having jurisdiction and charge of postoffice buildings for the United States government, and said lessee shall have the right to sublet said land and to let said building, but only to the United States government and for postoffice purposes only. Erection of building. Subletting.

SEC. 4. Upon the expiration or any sooner termination of the term of any lease made pursuant to the provisions hereof, all buildings erected on such leased ground shall revert to the State of California. Revert upon expiration of lease.

CHAPTER 295.

An act to amend section six hundred sixty-four of the Penal Code, relating to the punishment of attempts to commit crimes.

[Approved June 2, 1923.]

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

SECTION 1. Section six hundred sixty-four of the Penal Code is hereby amended to read as follows:

664. Every person who attempts to commit any crime, but fails, or is prevented or intercepted in the perpetration thereof, is punishable, where no provision is made by law for the punishment of such attempts, as follows: Attempts to commit crimes, how punishable.

1. If the offense so attempted is punishable by imprisonment in the state prison for five years, or more, or by imprisonment in a county jail, the person guilty of such attempt is punishable by imprisonment in the state prison, or in a county jail, as the case may be, for a term not exceeding one-half the longest term of imprisonment prescribed upon a conviction of the offense so attempted; *provided, however*, that if the crime attempted is murder, robbery, crime against nature or lewd and lascivious conduct the person guilty of such attempt shall be punishable by imprisonment in the state prison for a term not more than twenty years.

2. If the offense so attempted is punishable by imprisonment in the state prison for any term less than five years, the person guilty of such attempt is punishable by imprisonment in the county jail for not more than one year.

3. If the offense so attempted is punishable by a fine, the offender convicted of such attempt is punishable by a fine not exceeding one-half the largest fine which may be imposed upon a conviction of the offense so attempted.

4. If the offense so attempted is punishable by imprisonment and by a fine, the offender convicted of such attempt

may be punished by both imprisonment and fine, not exceeding one-half the longest term of imprisonment and one-half the largest fine which may be imposed upon a conviction for the offense so attempted.

CHAPTER 296.

An act appropriating money to pay the claim of Pacific Coast Coal Company, a corporation, against the State of California.

[Approved June 2, 1923.]

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

Appropriation: claim Pacific Coast Coal Co.

SECTION 1. The sum of two hundred thirty-seven dollars and seventy-seven cents (\$237.77) is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of Pacific Coast Coal Company, a corporation, against the State of California.

SEC. 2. The state controller is hereby directed to draw his warrant in favor of the Pacific Coast Coal Company, a corporation, for said sum of two hundred thirty-seven dollars and seventy-seven cents (\$237.77) and the state treasurer is hereby directed to pay the same.

CHAPTER 297.

An act to amend sections one thousand one hundred ninety-three and one thousand two hundred twenty-seven of the Penal Code, relating to judgments against persons convicted of the commission of crime.

[Approved June 2, 1923.]

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

SECTION 1. Section one thousand one hundred ninety-three of the Penal Code is hereby amended to read as follows:

Pronouncement of judgment.

1193. Judgment upon persons convicted of the commission of crime shall be pronounced according to the provisions of this section, as follows:

For felony.

1. If the conviction be for a felony, the defendant must be personally present when judgment is pronounced against him; *provided*, that when any judgment imposing the death penalty is stayed by an appeal taken therefrom, and such judgment be affirmed by the appellate court, sentence may be reimposed upon the defendant in his absence by the court from which such appeal was taken, and in the manner following, to wit: Upon receipt by the superior court from which such appeal is taken of the certificate of the appellate court affirming such judgment, the judge of the said superior court shall forthwith make and cause to be entered an order pronouncing sentence anew against the defendant, and appointing a day upon which the judgment shall be executed, which must not be less than

sixty days nor more than ninety days from the time of making such order; and that, within five days thereafter, a certified copy of such order, attested by the clerk, under the seal of the court, must, for the purpose of execution, be transmitted by registered mail to the warden of the state prison having the custody of the defendant.

2. If the conviction be of a misdemeanor, judgment may be pronounced against the defendant in his absence. For misdemeanor.

SEC. 2. Section one thousand two hundred twenty-seven of the Penal Code is hereby amended to read as follows:

1227. If for any reason a judgment of death has not been executed, and it remains in force, the court in which the conviction was had shall, on application of the district attorney, or may upon its own motion, make and cause to be entered an order appointing a day upon which the judgment shall be executed, which must not be less than sixty days nor more than ninety days from the time of making such order; and within five days thereafter, a certified copy of such order, attested by the clerk, under the seal of the court, shall, for the purpose of execution, be transmitted by registered mail to the warden of the state prison having the custody of the defendant; *provided*, that if the defendant be at large, a warrant for his apprehension may be issued, and, upon being apprehended, he shall be brought before the court, whereupon the court shall make an order directing the warden of the state prison to whom the sheriff is instructed to deliver the defendant to execute the judgment at a specified time, which shall not be less than sixty days nor more than ninety days from the time of making such order. From an order fixing the time for and directing the execution of such judgment, as herein provided, there shall be no appeal. Judgment of death remaining in force unexecuted. No appeal from order of court.

CHAPTER 298.

An act to amend section thirty-nine of the California irrigation district act, approved March 31, 1897, as amended, relating to the levying of assessments.

[Approved June 2, 1923.]

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

SECTION 1. Section thirty-nine of the California irrigation district act, approved March 31, 1897, as amended, is hereby amended to read as follows: Stats. 1919, p. 472, amended.

Sec. 39. The board of directors shall then, within fifteen days after the close of its session as a board of equalization, levy an assessment upon the lands within the district in an amount sufficient to raise the interest due or that will become due on all outstanding bonds of the district on the first day of the next ensuing January and the first day of the next ensuing July, or that the board of directors believes will become due on either or both of said dates, on bonds authorized but not As-sess-ments to pay interest, principal, rentals, warrants, etc.

sold; also sufficient to pay the principal of all bonds of the district that have matured or that will mature before the close of the next ensuing calendar year; also sufficient to pay in full all sums due or that will become due from the district before the time for levying the next annual assessment, on account of rentals, or charges for lands, water or water rights acquired by said district under lease or contract; also sufficient to pay in full all sums due or that will become due from the district, before the time for levying the next annual assessment, on account of contracts entered into by the district for power or fuel used or to be used for the pumping of water for the irrigation of land within the district; *provided*, the payment of the cost of such power or fuel has not been provided for by the levying of tolls or charges for the use of water or otherwise; also sufficient to pay in full the amount of all unpaid warrants of the district issued in accordance with this act and the amount of any other contracts or obligations of the district which shall have been reduced to judgment; also sufficient to raise such amount not exceeding two per centum of the aggregate value of the lands within the district according to the latest duly equalized assessment roll thereof, as the board of directors shall determine may be needed to be raised by assessment for any of the purposes of this act. The board of directors may also include in any annual assessment such an amount as it may deem proper, not exceeding one per centum of the total assessed value of the land in the district, to be apportioned to the bond fund and to be used as provided in section fifty-two of this act, for the redemption of immatured bonds of the district or for the creation of a sinking fund to pay any of such bonds as they become due.

CHAPTER 299.

An act to amend the California irrigation district act, approved March 31, 1897, as amended, by adding a new section to said act to be numbered thirty-two a, relating to the issuing of funding or refunding bonds of such districts.

[Approved June 2, 1893.]

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

SECTION 1. A new section is hereby added to the California irrigation district act, approved March 31, 1897, as amended, to be numbered thirty-two a and to read as follows:

Sec. 32a. The board of directors of any irrigation district organized and existing under or subject to the provisions of this act may, by a majority vote of the members of the board, submit to the electors of the irrigation district at any election, the proposition of the issuance of new bonds for the purpose of funding or refunding any or all bonds of such district outstanding at the time of such election.

Stats. 1897,
p 285,
amended.

Election on
issuance
of funding
or refunding
bonds.

Such election shall be held and the result thereof determined and declared substantially in the same manner, and the vote required for the authorization of such bonds shall be the same as provided by this act for the issuance of other bonds of such districts.

Such funding or refunding bonds shall be issued in substantially the manner and in the form required by this act for the issuance of other bonds of irrigation districts, and the provisions of this act, and of the act creating the California bond certification commission, concerning the authorization, certification, issuance and sale of bonds of irrigation districts, shall be applicable to funding or refunding bonds; *provided, however,* that the maturities of said funding or refunding bonds shall be fixed by the board of directors of said district, subject to the approval of the California bond certification commission, but in no case shall the maturity of any such bonds be more than forty years from the date thereof. Such funding or refunding bonds may be sold from time to time in the same manner as other bonds of the district, or, if the directors of the district and the holders of any outstanding bonds so elect, any such funding or refunding bonds may be exchanged for any outstanding bonds. Any such outstanding bonds so funded or refunded or exchanged shall be immediately canceled by the board of directors.

Issuance of
bonds.

CHAPTER 300.

An act to amend section one of an act entitled "An act to provide for the development of electrical power by irrigation districts," approved May 21, 1919, as amended, relating to development of electric power and the disposal of same.

[Approved June 2, 1923.]

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

SECTION 1. Section one of an act entitled "An act to provide for the development of electrical power by irrigation districts," approved May 21, 1919, as amended, is hereby amended to read as follows:

Stats. 1921,
p 1083,
amended.

Section 1. Any irrigation district heretofore organized or hereafter to be organized under the laws relating to such district may provide for the construction, acquisition, operation, leasing and control of plants for the generation, distribution, sale and lease of electrical energy including sale to municipalities, corporations, public utility districts, or individuals, of electrical power so generated; and said district, subject, however, to the conditions in this section contained, may make special appropriations of water for power purposes, as required by law; *provided, however,* that any use of water for generating such electrical power or energy at any given time of the year, which use is in excess of the water appropriated and beneficially used for irrigation purposes by such district at

Irrigation
district may
maintain
electric
power
plants.

said period of the year, shall be subject to all prior existing appropriations by any municipal corporation, who or which is proceeding in good faith in the expenditure of money and the construction of works designed to divert the water appropriated. The officers, agents and employees of such districts shall have the same powers, duties and liabilities respecting such power and the construction, acquisition, repair, maintenance, management and control thereof as they now have or may hereafter have respecting such irrigation or such irrigation districts. The California irrigation district act shall be so construed, applied and enforced as to apply to such power as well as such irrigation, except that nothing in said act shall be so construed as to prevent the sale of power by any district for use outside of the boundaries of such district or to require the distribution of such power in accordance with any assessments levied by such district.

CHAPTER 301.

An act to amend section thirty-nine f of the California irrigation district act, approved March 31, 1897, as amended, relating to the payment of tolls and charges for the use of water and other public uses, making the same a lien upon the lands and a part of the annual assessment levied by said district.

[Approved June 2, 1928.]

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

SECTION 1. Section thirty-nine f of the California irrigation district act approved March 31, 1897, as amended, is hereby amended to read as follows:

Sec. 39f. Whenever any tolls and charges for the use of water and other public uses provided for by this act have been fixed by the board of directors, it shall be lawful to make the same payable in advance in case any tolls or charges remain unpaid at the time specified for the delivery of the assessment book to the collector of the district, the amount due for such tolls and charges, may be added to and become a part of the annual assessment levied upon the land upon which the water for which such tolls and charges are unpaid was used and upon the lands subject to tolls and charges for other public uses, and shall constitute a lien on said land, and if such assessment is divided and made payable in two installments such unpaid tolls and charges may be added to and become a part of the first installment of said assessment.

Stats 1917,
p 768,
amended.

Unpaid tolls
part of
assessment.

CHAPTER 302.

An act to amend section forty-four of the California irrigation district act, approved March 31, 1897, as amended, relating to the sale of land for nonpayment of assessments.

[Approved June 2, 1923.]

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

SECTION 1. Section forty-four of the California irrigation district act, approved March 31, 1897, as amended, is hereby amended to read as follows: Stats. 1897,
p. 209,
amended.

Sec. 44. The owner or person in possession of any real estate offered for sale for assessments due thereon may designate, in writing, to the collector, prior to the sale, what portion of the property he wishes sold, if less than the whole; but if the owner or possessor does not, then the collector may designate it and the person who will take the least quantity of the land, or in case an undivided interest is assessed, then the smallest portion of the interest, and pay the assessments and costs due, including two dollars for the duplicate certificate of sale, is the purchaser. If the purchaser does not pay the assessments and costs before ten o'clock a.m. the following day, the property on the next sale day must be resold for the assessments and costs. But in case there is no purchaser in good faith for the same on the first day that the property is offered for sale, then, when the property is offered thereafter for sale, and there is no purchaser in good faith for the same, the whole amount of the property assessed shall be struck off to the irrigation district within which such lands are situated, as the purchaser, and the duplicate certificate delivered to the treasurer of the district, and filed by him in his office. No charge shall be made for the duplicate certificate where the district is the purchaser, and, in such case, the collector shall make an entry, "sold to the district," and he shall be credited with the amount thereof in his settlement. An irrigation district as a purchaser at such sale, shall be entitled to the same rights as a private purchaser, and the title so acquired by the district, subject to the right of redemption herein provided, may be conveyed by deed, executed and acknowledged by the president and secretary of said board; *provided*, that authority to so convey must be conferred by resolution of the board entered on its minutes, fixing the price at which such sale may be made, and such conveyance shall not be made for a sum less than the amount of the delinquent assessments, interest, penalties and costs. Rights of
owner of
realty.

Resale in
default of
payment.

District
may
purchase

CHAPTER 303.

An act to amend the California irrigation district act, approved March 31, 1897, as amended, by adding a new section to said act to be numbered twenty-seven a, relating to the appointment of deputies.

[Approved June 2, 1923.]

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

Stats. 1897,
p. 262,
amended.

SECTION 1. A new section is hereby added to the California irrigation district act, approved March 31, 1897, as amended, to be numbered section twenty-seven a and to read as follows:

Deputies to
treasurer
and
collector.

Sec. 27a. The treasurer and collector of any irrigation district may appoint as many deputies as may be necessary for the prompt and faithful discharge of the duties of his office, said deputies to hold office at the pleasure of the appointing power. Such appointment must be in writing and filed in the office of the board of directors. Every such deputy shall take and file an oath in the manner required of his principal before assuming the duties of his office.

CHAPTER 304.

An act to amend the California irrigation district act, approved March 31, 1897, as amended, by adding a new section to said act to be numbered forty a, relating to the refunding and correction of assessments.

[Approved June 2, 1923.]

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

Stats. 1897,
p. 267,
amended.

SECTION 1. A new section is hereby added to the California irrigation district act, approved March 31, 1897, as amended, to be numbered forty a and to read as follows:

Change of
assessments.

Sec. 40a. In case the board of directors of any irrigation district shall find that any property has been assessed in any year more than once or has been assessed by reason of a clerical error for more than its full cash value, or computed on an excessive acreage, or that any property assessed was not in the district when so assessed, the board may authorize the collector to cancel or modify such assessment, as may be proper, and in case of any such change in any assessment, the secretary shall credit the collector with the amount of said assessment if it is canceled, or the amount by what it is reduced if it is modified.

Refund of
erroneous,
etc. assess-
ments.

Any assessments, penalties or costs thereon, or portions thereof, provided for by this act, heretofore or hereafter paid more than once, or heretofore or hereafter erroneously, or illegally collected, may by order of the board of directors, be refunded by the district treasurer.

No order for the refund of assessments, penalties or costs under this section shall be made except upon a verified claim therefor verified by the person who has paid said assessments, penalties or costs, or by his guardian, or in case of his death, by his executor or administrator, which said claim must be filed within one year after the making of the payment sought to be refunded.

CHAPTER 305.

An act to amend the title and sections one, two, four and thirty-six of, and to add a new section to, an act entitled "An act to provide for work upon streets, avenues, lanes, alleys, courts and places forming the exterior boundaries of any municipality, whether partly or wholly within or without said boundaries, and providing for the construction of sewers, drains and sidewalks thereon and in connection therewith," approved April 21, 1911, as amended.

[Approved June 2, 1923.]

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

SECTION 1. The title of an act entitled, "An act to provide for work upon streets, avenues, lanes, alleys, courts and places forming the exterior boundaries of any municipality, whether partly or wholly within or without said boundaries, and providing for the construction of sewers, drains and sidewalks thereon and in connection therewith," approved April 21, 1911, as amended, is hereby amended to read as follows:

Stats. 1911,
p 1018,
amended.

An act to provide for the establishment and change of grade of public streets, avenues, lanes, alleys, courts, places and rights of way forming the exterior boundaries of any municipality, whether partly or wholly within or without said boundaries, or extending into the territory of two or more municipalities, or extending into the territory of one or more municipalities and unincorporated territory, and providing for work upon and the improvement thereof, and providing for the construction of sanitary and storm sewers, drains and drainage systems, together with any and all appurtenances and appurtenant work in connection with any of such work or improvements; to assess the whole or any portion of the costs and expenses thereof upon private property, and to provide for a system of local improvement bonds to represent the assessments for such costs and expenses and for the payment and effect of such bonds.

SEC. 2. Section one of said act, approved April 21, 1911, as amended, is hereby amended to read as follows:

Stats. 1911,
p 1018,
amended.

Section 1. All streets, avenues, lanes, alleys, courts, places or rights of way forming or crossing the exterior boundaries of any municipality of this state, whether partly or wholly within or without said boundaries, or extending into the territory of two or more municipalities, or extending into the territory of one or more municipalities and unincorporated territory

Streets
forming
boundaries
of cities
deemed
public
streets.

now open or dedicated, or which may hereafter be opened or dedicated to public use, shall be deemed and held to be open public streets, avenues, lanes, alleys, places, courts or rights of way for the purposes of this act.

Stats. 1911,
p. 1018,
amended.

Council and
supervisors
may order
such streets
improved.

SEC. 3. Section two of said act, approved April 21, 1911, as amended, is hereby amended to read as follows:

SEC. 2. Whenever the public interest and convenience may require, and whenever the city council or other legislative body of each of the municipalities and the board of supervisors of the county, having jurisdiction over any portion of the territory proposed to be included in an assessment district to be formed under this act, shall by resolution consent to the formation of such assessment district and the commencement of a proceeding under this act for the construction of any public work or improvement, the city council of any municipality and the board of supervisors of the county in which said municipality is situated, are hereby severally authorized and empowered to establish, change or modify the grade of, and to order the whole or any portion or portions, either in length or width, of any one or more of the streets, avenues, lanes, alleys, courts, places or rights of way forming or crossing the exterior boundary or boundaries of any municipality or municipalities of this state, whether partly or wholly within or without said boundaries, or extending into or through the territory of two or more municipalities or extending into or through the territory of one or more municipalities and unincorporated territory, graded or regraded to the existing or proposed official grade, paved or repaved, macadamized or remacadamized, graveled or regraveled, oiled or recoiled, and to order the construction, reconstruction or repair therein of sidewalks, culverts, bridges, gutters and curbs; and to order the construction, reconstruction or repair therein or in any property or right of way owned by any such municipality or county, of sanitary sewers, storm sewers, drains and drainage systems, ditches and conduits of any kind or character, for sanitary or drainage purposes, and all structures, plants and appurtenances and appurtenant work of any kind or character necessary or convenient in connection therewith; and to order any other work to be done which shall be deemed necessary to improve the whole or any portion of such streets, avenues, lanes, alleys, courts, places or rights of way. The council or board of supervisors may include any of the different kinds of work mentioned in this section, and may include such work on any number of streets, avenues, lanes, alleys, courts, places or rights of way, or any portions thereof, whether contiguous or directly connected, or otherwise, in one proceeding, or one contract, or both, and may except therefrom any of said work already done to the official grade and which may be in good condition and repair.

Stats. 1911,
p. 1019,
amended.

SEC. 4. Section four of said act approved April 21, 1911, as amended, is hereby amended to read as follows:

SEC. 4. Before ordering any work done, or improvement made, which is authorized by section two of this act, the said

council, or the said board of supervisors, shall pass a resolution of intention so to do and describing the work, which shall be posted conspicuously for two days on or near the chamber door of said council, or board, and published by two insertions in one or more daily, semi-weekly, or weekly newspapers published and circulated in said municipality, and designated by said council, or board, for that purpose. The street superintendent of said municipality, when the resolution is passed by said council, or the county surveyor, when the resolution is passed by said board, shall thereupon cause to be conspicuously posted along the line of said contemplated work or improvement, at not more than one hundred feet in distance apart, but not less than three in all, or when the work to be done is only upon an entire crossing, or any part thereof, in front of each quarter block and irregular block liable to be assessed, notices of the passage of said resolution. Said notice shall be headed "Notice of street work," in letters of not less than one inch in length, and shall, in legible characters, state the fact of the passage of the resolution, its date, and briefly describe the work or improvement proposed, and refer to the resolution for further particulars. He shall also cause a notice, similar in substance, to be published for two days in one or more daily newspapers published and circulated in said municipality, and designated by said council, or board, or in municipalities where there is no daily newspaper, by one insertion in a semi-weekly or weekly newspaper so published, circulated and designated. In case there is no such paper published in said municipality, said notice shall be posted for six days on or near the chamber door of said council, or board, and in two other conspicuous places in said municipality. The owners of a majority of the frontage of the property fronting on said work or improvement, where the same is for one block or more, may make a written objection to the same within ten days after the expiration of the time of the publication and posting of said notice, which objection shall describe the land of each objector and be signed by each objector or his duly authorized agent and shall be delivered to the clerk of the council, or board, who shall indorse thereon the date of its reception by him. Said council, or board, shall at its next meeting, fix a time for hearing said objections not less than one week thereafter. The clerk of said council, or board, shall thereupon notify the persons making such objections, by depositing a notice of the time and place fixed for the hearing of said objections, in the post office of said municipality, postage prepaid, addressed to each objector, or his agent, when he appears for such objector. At the time specified said council, or board, shall hear the objections urged and pass upon the same, and its decision thereon shall be final and conclusive; *provided*, that in all instances where the council, or board, finds and determines that the owners of a majority of the frontage of the property fronting on said proposed work or improvement, have delivered to said clerk written objections as hereinbefore prescribed, against the said work or improve-

Posting
and publi-
cation of
resolution of
intention.

Majority
may
object.

Plans and estimates.

When expense chargeable against district.

ment, such objections shall be a bar for six months to any further proceedings in relation to the doing of said work or the making of said improvement, unless the owners of one-half or more of the frontage as aforesaid shall in the meanwhile petition for the same to be done. At the expiration of twenty days after the expiration of the time of said publication of said notice given by said street superintendent, or county surveyor, and at the expiration of twenty-five days after the advertising and posting, as aforesaid, of any resolution of intention, if no written objection to the work therein described has been delivered, as aforesaid, by the owners of the majority of the frontage of the property fronting on said proposed work or improvement, or if any written objection has been overruled by the said council, or board, the said council, or board, shall be deemed to have acquired jurisdiction to order any of the work to be done, or improvement to be made, which is authorized by this act; which order or resolution, when made, shall be published for two days, the same as provided for the publication of the resolution of intention. Before passing any resolution for the construction of said improvements, plans and specifications and careful estimates of the costs and expenses thereof, shall be furnished said council, or board, if required, by the city engineer of said municipality, or the county surveyor, and for the work of constructing sewers, specifications shall always be furnished by him. Whenever the contemplated work of improvement, in the opinion of the council, or board, is of more than local or ordinary public benefit, or whenever, according to estimate to be furnished by the city engineer, or county surveyor, the total estimated costs and expenses thereof, would exceed one-half of the total assessed value of the lots and lands assessed, if assessed upon the lots or land fronting upon said proposed work or improvement, according to the valuation fixed by the last assessment roll whereon it was assessed for taxes for county purposes, and allowing a reasonable depth from such frontage for lots or lands assessed in bulk, the council, or board, may make the expense of such work or improvement chargeable upon a district, which district may include territory in one or more municipalities and also unincorporated territory, and which district the said council, or board, shall, in its resolution of intention, declare to be the district benefited by said work or improvement, and to be assessed to pay the costs and expenses thereof. The said resolution of intention shall in general terms describe the said district and refer to a plat or map approved by the council, or board, which shall indicate by a boundary line the extent of the territory to be included in said assessment district, which plat or map shall be on file in the office of the city engineer or county surveyor before the publication and posting of the notices of street work, and shall govern for all details as to the extent of the said assessment district. Objections to the extent of the district of lands to be affected or benefited by said work or improvement, and to be assessed to pay the costs and expenses thereof, may be made by interested parties in writing,

within ten days after the expiration of the time of the publication and posting of the notice of the passage of the resolution of intention. The council, or board, shall, at its next meeting, fix the time for hearing said objections, not less than one week thereafter. The clerk thereof shall thereupon notify the persons making such objections by depositing a notice thereof in the post office of said municipality, postage prepaid, addressed to each objector. At the time specified the council, or board, shall hear the objections urged, and pass upon the same, and its decision shall be final and conclusive. If the objections are sustained, all proceedings shall be stopped; but proceedings may be immediately again commenced by giving the notice of intention to do the said work or make said improvements. If the objections are overruled by the council, or board, the proceedings shall continue the same as if such objections had not been made.

Sec. 5. Section thirty-six of said act, approved April 21, 1911, as amended, is hereby amended to read as follows: Stats. 1913, p. 372, amended.

Sec. 36. The provisions of this act shall apply to and authorize the improvement of any street or right of way extending along the boundary line between two municipalities or along the boundary line of any municipality and unincorporated territory, or extending from or through one or more municipalities into or through unincorporated territory. The city council of each municipality and the board of supervisors of the county in which said municipalities are situated, shall have concurrent jurisdiction of all proceedings under this act, to effect the improvement of such streets or rights of way: *provided*, that the council or board of supervisors passing the resolution of intention shall thereafter have exclusive jurisdiction of all work and proceedings covered by said resolution, the same as provided in section three of said act. Improvement of street on boundary line, etc

Sec. 6. A new section is hereby added to said act approved May 21, 1911, as amended, to be numbered thirty-seven and to read as follows: Stats. 1911, p. 1036, amended.

Sec. 37. Any council or board of supervisors passing a resolution of intention under the provisions of this act shall have power, in its discretion, to determine that serial bonds shall be issued to represent assessments of twenty-five dollars, or more, for the cost of the whole or any portion of any work or improvement authorized by this act, whether in incorporated or unincorporated territory; and when any council or board of supervisors, shall determine that such serial bonds shall be issued, it shall so declare in the resolution or ordinance of intention to do the work, and that said bonds shall be issued under the provisions of an act of the legislature of the State of California, entitled "An act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvements within municipalities, and also for the payment of such bonds," approved February 27, 1893, and all acts amendatory thereof or supplementary thereto; and said act and the amendments thereto are hereby incorporated in and adopted as a part of this act. Issuance of improvement bonds.

CHAPTER 306.

An act to amend section one thousand five hundred fifty-seven of the Penal Code, relating to accounts for returning fugitives.

[Approved June 2, 1923.]

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

SECTION 1. Section one thousand five hundred fifty-seven of the Penal Code is hereby amended to read as follows:

Expense of
return of
fugitives to
this state.

1557. When the governor of this state, in the exercise of the authority conferred by section two, article four, of the constitution of the United States, or by the laws of this state, demands from the executive authority of any state of the United States, or of any foreign government, the surrender to the authorities of this state of a fugitive from justice, who has been found and arrested in such state or foreign government, the accounts of the person employed to bring back such fugitive must be audited by the board of control and paid out of the state treasury; *provided, however,* that the state shall not pay the expenses of any such person so employed where the fugitive returned is not so arraigned or placed on trial, but such expense shall be a charge upon the county asking the requisitor; *provided, further,* that when a warrant has issued from a superior court, or the presiding judge thereof, endorsed by the district attorney of the county or city and county for the purpose of extraditing a fugitive from justice who has been found and arrested in any state of the United States or any foreign government, the county auditor shall draw his warrant and the county treasurer shall pay to the person designated to return the fugitive the amount of expenses estimated by the district attorney to be incurred in the return of such fugitive; *provided, further,* that no disbursements shall be made from any such fund so advanced without a receipt being obtained therefor showing the amount, purpose for which said sum was expended, place, date and to whom paid. Such receipts must be filed by such person with the county auditor or state board of control, as the case may be, together with an affidavit by such person that the expenditures represented by said receipts were necessarily made in the performance of duty. In every case where the expenses of such person so employed to bring back such fugitive as herein provided, are less than the amount advanced on the recommendation of the district attorney, such person so employed to bring back such fugitive shall return to the county treasurer the difference in amount between the aggregate amount of receipts so filed by him as herein provided and the amount advanced to such person upon the recommendation of the district attorney.

CHAPTER 307.

An act to amend section nineteen x twenty-six of an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, relating to the salaries of probation officers in counties of the twenty-sixth class.

[Approved June 2, 1923.]

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

SECTION 1. Section nineteen x twenty-six of an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, is hereby amended to read as follows:

Stats. 1921,
p. 1628,
amended.

Sec. 19x26. In counties of the twenty-sixth class there shall be one probation officer whose salary shall be one hundred fifty dollars per month. Said probation officer shall be ex officio the county school attendance officer.

Counties of
26th class,
salary of
probation
officer.

CHAPTER 308.

An act to amend section thirty-four of an act entitled "An act approving the report of the California debris commission transmitted to the speaker of the house of representatives by the secretary of war on June 27, 1911, directing the approval of plans of reclamation along the Sacramento river or its tributaries or upon the swamp lands adjacent to said river, directing the state engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California debris commission and to make report thereof, making an appropriation to pay the expenses of such examination and surveys, and creating a reclamation board, and defining its powers," approved December 24, 1911, as amended.

[Approved June 2, 1923.]

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

Stats. 1919,
p 1130,
amended.

SECTION 1. Section thirty-four of an act entitled "An act approving the report of the California debris commission transmitted to the speaker of the house of representatives by the secretary of war on June 27, 1911, directing the approval of plans of reclamation along the Sacramento river or its tributaries or upon the swamp lands adjacent to said river, directing the state engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California debris commission and to make report thereof, making an appropriation to pay the expenses of such examination and surveys, and creating a reclamation board, and defining its powers," approved December 24, 1911, as amended, is hereby amended to read as follows:

Application
of moneys to
flood control
benefits.

Sec. 34. All moneys which may be hereafter paid to the said reclamation board by the State of California under and by virtue of the provisions of an act entitled "An act to appropriate money to be expended under the direction of and by the reclamation board to aid in carrying out the project adopted by the reclamation board for the Sutter-Butte by-pass assessment number six with such modifications and amendments as may hereafter be adopted by the reclamation board, and to aid in carrying out any work described in the plans of said Sutter-Butte by-pass assessment number six, in conformity with the report of the California debris commission, transmitted to the speaker of the house of representatives of the United States by the secretary of war on the twenty-seventh day of June, 1911, and such modifications and amendments as have been, or may be hereafter adopted by the reclamation board, or by the war department, or the congress of the United States, and providing for the future completion of the entire project," or by any law of similar import which has been or may be hereafter adopted by the legislature of the State of California, shall be applied on said Sutter-Butte by-pass

assessment number six, by said reclamation board, to the pro rata payment of such portions of said assessment as are based upon flood control benefits as set opposite each assessment, in the manner hereinbefore provided; *provided, however*, that if no flood control benefit amount is set opposite any tract of land, the assessment upon such tract of land shall not be entitled to any credit for any of the moneys so received by said reclamation board from said state. In case the amount remaining unpaid, including interest, upon the total of said assessment on any tract of land entitled to such pro rata payment or credit out of the money so received from the state shall be less than such pro rata payment or credit to which such tract is so entitled, then the surplus of such pro rata payment or credit shall be by the reclamation board paid to the owner of such tract in cash out of said money so received from the state and deducted from the amount to be paid over by the reclamation board to the state treasurer as hereinafter directed.

The reclamation board shall prepare and furnish to the several county treasurers a statement of the several amounts so applied to the pro rata payment of such portions of the assessments as are by reason of flood control benefit, and the several county treasurers shall enter such amounts on the original assessment lists as payments or credits on account of the several assessments. In making its calls or orders for the collection of installments on said assessment the percentage to be called and paid shall be calculated upon the original total amount assessed against each tract, but no such call or installment need be paid upon the assessment on any such tract except for the excess of the total of such calls over the total of payments so credited to such tract from application of such money received from the state as aforesaid, or otherwise paid thereon.

Amounts
credited on
assessment
accounts

The money so received by the reclamation board from the state shall, unless bonds based upon said assessment shall have been authorized by law, be by the reclamation board paid over forthwith to the state treasurer and by him credited to the funds of said assessment, to be used and expended in the same manner as funds collected from land owners upon said assessment. But if at the time of the receipt of any such money by the reclamation board from the state, bonds based upon said assessment shall have been authorized by law, the money so received from the state shall be deposited by the reclamation board with the state treasurer to be held as a special fund for the redemption of such bonds and shall, under the direction and as required by the reclamation board, be applied to the payment and cancellation of such bonds in the manner following, to wit:

Disposition
of money
received
from state.

Upon receipt of any sum of money under said act or acts of similar import the said reclamation board shall proceed to advertise, at least once a week for four consecutive weeks, in at least one daily newspaper published in the city and county of San Francisco, and one daily newspaper published in the city of Los Angeles, calling for bids or offers for the

Purchase
of bonds
by board.

sale to said state reclamation board of sufficient of the issued and outstanding bonds to cover the amount represented by said money so received from said state; *provided, however*, that said reclamation board shall not purchase any bonds at a sum in excess of par plus accrued interest. And if the said reclamation board shall receive bids or offers at par plus accrued interest, or less than par plus accrued interest, then the said reclamation board shall purchase a sufficient amount of said bonds to make up the sum of money so received by them from the state and shall proceed forthwith to cancel said bonds so purchased, together with all interest coupons attached thereto.

Payment
of bonds.

But, if the said reclamation board shall not receive bids or offers of a sufficient amount to cover the money so received from the state, then as to the balance thereof, the said reclamation board shall pay bonds in the order of their numbers, beginning as to the first payment, at bond number one, and continuing in numerical order, in a sufficient amount to cover said first payment, and upon such subsequent payments, shall pay the said bonds according to the next succeeding numbers.

Cancellation
of unsold
bonds.

If, however, bonds based upon said assessment shall have been authorized, but said bonds or any of them, shall not have been sold, upon the receipt of any sum of money under said act or acts of similar import, and thereafter and prior to the sale of said bonds, or any of them, the reclamation board may order the cancellation of such number of said bonds so authorized, but not sold, as will, at par, equal the amount of money then on deposit in the state treasury, which may legally be used for the purpose of canceling such unsold bonds as hereinbefore provided and the total of the bonds to be issued shall be reduced by such amount of the money on deposit in the state treasury, and no bonds shall be sold to an amount in excess of the amount originally authorized, as reduced by the bonds so canceled at par. The land owners shall be credited with an amount equal to the amount of bonds so canceled, said sum to be applied on the Sutter-Butte by-pass assessment number six in the pro rata payment of such portions of said assessment as are based upon flood control benefit set opposite any tract of land in the same manner and to the same extent as hereinbefore provided, so that the total amount credited on said assessment for flood control benefit shall equal the money on deposit in the state treasury. The money on deposit in the state treasury at the time these bonds are so canceled, shall thereupon be credited to a fund entitled "Sacramento-San Joaquin drainage district fund, Sutter-Butte by-pass assessment number six, emergency fund" which fund is hereby created and shall be paid out on warrants of the controller on said fund upon order of the reclamation board, and the controller is hereby directed to issue warrants upon said fund whenever drafts of the reclamation board on said fund shall be presented to him, and the state treasurer

Use of
money in
state
treasury.

is hereby directed to pay such controller's warrants when there is sufficient money in said fund. The intent of this act is to make said funds available for the immediate use of the reclamation board in contracting for the completion of, Sutter-Butte by-pass project number six, and the reclamation board shall contract on a cash basis for additional work included in said project and assessment, but not yet done, and the pay for which funds are not available, and shall meet the payment on said contract or contracts out of said emergency fund hereby created to the extent thereof and the reclamation board shall provide in the manner now or hereafter prescribed by law therefor any further funds required to complete said work and to pay and discharge the outstanding obligations of said project.

SEC. 2. The legislature hereby declares that it deems it necessary for the immediate preservation of the public health and safety that this act shall go into immediate effect, by reason of the following facts, to wit: That unless sufficient levees included in project number six, but not yet built and to construct which funds are not available, are constructed without delay, the effect will be to overflow and greatly damage a large area of valuable land within the boundaries of project number six and damage levees already constructed, all of which will imperil the property and safety of the inhabitants within said boundaries and the land owners assessed by said assessment number six; that the plans of the state for flood control contemplate the construction of said levees and said assessment number six has been levied for that purpose, but that due to certain unavoidable causes sufficient money is not now available from said assessment to complete said work so that certain land assessed under said assessment has become subject to a lien for said assessment but can not now enjoy any benefit therefrom unless said works are at once completed, and unless at once completed damage will result to the works already done and no funds are now available except as in this act provided to complete said levees without great delay. And it is hereby declared that this act constitutes an urgency measure which under the provisions of section one of article four of the constitution of the State of California shall go into immediate effect.

Emergency
Declared.

This act shall take effect immediately.

CHAPTER 309.

An act appropriating money for expenditure as directed by the division of water rights of the department of public works of the State of California in aiding the department of interior of the United States in stream gaging work in the State of California.

[Approved June 4, 1923.]

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

Appropriation dept. of public works, stream gaging work

SECTION 1. The sum of twenty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to be expended as directed by the division of water rights of the department of public works of the State of California in aiding the department of the interior of the United States in stream gaging work in the State of California from July 1, 1923, to July 1, 1925.

SEC. 2. Said money shall be expended only upon claims approved by the division of water rights and the department of public works of the State of California. The state controller is hereby authorized and directed to draw his warrants from time to time on the state treasury in payment of said claims and the state treasurer is hereby directed to pay the same.

CHAPTER 310.

An act to amend section five of an act entitled "An act providing for the supervision and regulation of the transportation of persons and property for compensation over any public highway by automobiles, jitney busses, auto trucks, stages and auto stages; defining transportation companies and providing for the supervision and regulation thereof by the railroad commission; providing for the enforcement of the provisions of this act and for the punishment of violations thereof; and repealing all acts inconsistent with the provisions of this act," approved May 10, 1917, as amended.

[Approved June 4, 1923.]

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

Stats. 1919, p. 179, amended

SECTION 1. Section five of an act entitled "An act providing for the supervision and regulation of the transportation of persons and property for compensation over any public highway by automobiles, jitney busses, auto trucks, stages and auto stages; defining transportation companies and providing for the supervision and regulation thereof by the railroad commission; providing for the enforcement of the provisions of this act and for the punishment of violations thereof; and repealing all acts inconsistent with the provisions of this act," approved May 10, 1917, as amended, is hereby amended to read as follows:

Sec. 5. No transportation company shall hereafter begin to operate any automobile, jitney bus, auto truck, stage or auto stage for the transportation of persons or property, for compensation, on any public highway in this state without first having obtained from the railroad commission a certificate declaring that public convenience and necessity require such operation, but no such certificate shall be required of any transportation company as to the fixed termini between which or the route over which it is actually operating in good faith at the time this act becomes effective, or for operations exclusively within the limits of an incorporated city, town, or city and county. Any right, privilege, franchise or permit held, owned or obtained by any transportation company may be sold, assigned, leased, transferred or inherited as other property, only upon authorization by the railroad commission. The railroad commission shall have power, with or without hearing, to issue said certificate as prayed for, or to refuse to issue the same, or to issue it for the partial exercise only of said privilege sought, and may attach to the exercise of the rights granted by said certificate such terms and conditions as, in its judgment, the public convenience and necessity may require.

Certificate from railroad commission.

The railroad commission may at any time for a good cause suspend and upon notice to the graatee of any certificate and opportunity to be heard revoke, alter or amend any certificate issued under the provisions of this section.

Each application for a certificate of public convenience and necessity or for an order authorizing the sale, leasing, assignment or transfer of an existing operative right, privilege, franchise or permit made under the provisions of this section must be accompanied by a fee of fifty dollars; *provided, however,* the movement of products or implements of husbandry and other farm necessities from farm to farm or from and to farm to and from loading point, warehouse or other initial point shall not be subject to the regulations of this act.

Fee.

Exceptions

CHAPTER 311.

An act to provide additional land and buildings for use in connection with the department of agriculture of the University of California at Berkeley and making an appropriation therefor.

[Approved June 5, 1923.]

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

SECTION 1. The sum of fifty thousand (50,000) dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for the purchase of land near the grounds of the University of California, at Berkeley, and for the erection of greenhouses either on said lands so to be purchased or on other lands of the University of California, at Berkeley, for use in connection with

Appropriation: University, purchase of lands and erection of greenhouses.

the department of agriculture of the university, and to be expended by the regents of the University of California.

Additional
sum to be
raised

SEC. 2. The additional sum of fifty thousand (50,000) dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury after July 1, 1925, for the same purposes as are specified in section one hereof, and to be expended by the regents of the University of California.

SEC. 3. No moneys shall be paid out of the state treasury hereunder until the regents of the University of California file with the state controller a certificate under its seal and the hand of its secretary, stating that it has in its hands the sum of at least fifty thousand (50,000) dollars in addition to the moneys hereby appropriated, available for use for the purposes specified in section one hereof.

SEC. 4. It is the intent hereof that as soon as the additional sum of fifty thousand (50,000) dollars mentioned in section three is available, that all or any part of the moneys hereby appropriated may be used as a deposit on account of the purchase of said lands or for the erection of all or any part of said buildings. The regents of the University of California are hereby given full discretion in the location of the said lands and of said buildings and to determine the provisions of any contracts to be entered into for the purchase of said lands or the construction thereof.

CHAPTER 312.

An act authorizing the board of supervisors or other governing body of any incorporated city, or city and county, having a population of more than one hundred thousand persons, to order the disinterment and removal of all human bodies interred in any cemetery of more than five acres in extent, or from a part thereof, situate within the boundaries of such city, or city and county, and directing the reinterment of such bodies in cemeteries outside of the limits of such city, or city and county, or the depositing of the same in a mausoleum or columbarium, whenever the further maintenance of such cemetery or part thereof as a burial place for the human dead threatens or endangers the health, safety, comfort or welfare of the public, and providing a mode of procedure under and by which such removals may, when so ordered, be made by the cemetery corporation, association, corporation sole or other person governing or controlling such cemetery lands, or by the relatives or friends of those whose bodies are buried therein, and providing for the sale, mortgage or pledge of cemetery lands from which the human bodies are removed.

[Approved June 5, 1923.]

Cert in
cities may
compel
abandon-
ment of
cemeteries.

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

SECTION 1. The board of supervisors or other governing body of any incorporated city, or city and county of this state,

having a population of more than one hundred thousand persons, shall have power to order the disinterment and removal of all human bodies interred in any cemetery of more than five acres in extent, or from any part thereof, situate within the limits of such city, or city and county, where the right of burial in such cemetery has been prohibited by law for a period of fifteen years or more, whenever such board of supervisors or other governing body shall, by ordinance, declare that the further maintenance of such cemetery or part thereof as a burial place for the human dead threatens or endangers the health, safety, comfort or welfare of the public and demands the disinterment and removal beyond the limits of the city, or city and county, of the human bodies interred therein.

SEC. 2. The board of supervisors or other governing body of such incorporated city, or city and county, may in any ordinance ordering or directing the disinterment and removal of such bodies prescribe reasonable rules and regulations governing the manner of making such disinterments and removals and providing for the reinterment or other disposition of such bodies in cemeteries outside of the limits of such city, or city and county; and such ordinance shall prescribe a reasonable time of not less than two years in which the removal of such bodies may be made by the cemetery corporation, association or other person owning or controlling such cemetery, or by the owners or holders of burial lots therein, or by the relatives or friends of those whose bodies are interred in such cemetery, and may also provide that if such bodies are not so removed within the period fixed, the city, or city and county will itself proceed to disinter the bodies remaining, and reinter them in another cemetery or cemeteries outside the limits of the city, or city and county.

Rules and regulations governing removal of remains

SEC. 3. Any cemetery corporation or association owning or controlling any cemetery from which the human bodies interred therein are ordered removed by an ordinance adopted in accordance with the provisions of section two of this act, may, by resolution of its board of directors or other governing body, when ratified and approved by a majority vote of the lot owners and holders of such corporation or association voting at any regular meeting of the cemetery corporation or association, or at a meeting specially called for that purpose, declare it to be the intention and purpose of the corporation or association to itself disinter and remove the bodies in accordance with the ordinance of the board of supervisors, or other governing body of such city, or city and county ordering and directing such disinterment and removal, and to reinter such bodies in another cemetery or cemeteries outside the limits of such city, or city and county, or to deposit the removed bodies in a memorial mausoleum or columbarium as hereinafter provided. Any corporation sole or other person owning or controlling any such cemetery in any incorporated city, or city and county, from which the human bodies buried therein are ordered disinterred and removed by ordinance of the board of supervisors or other

Cemetery associations may remove remains to other cemeteries, etc.

governing body of such city, or city and county as provided in section two of this act may also declare the intention of such corporation sole or other person owning or controlling any such cemetery to disinter such bodies and reinter them in another cemetery outside the limits of such city, or city and county or deposit the bodies so removed in a memorial mausoleum, or columbarium as hereinafter provided.

Resolution of intention.

SEC. 4. Any resolution or declaration of intention to disinter and remove the human bodies interred in any such cemetery in accordance with any ordinance adopted by the board of supervisors or other governing body of the incorporated city, or city and county, wherein such cemetery lands are situated which may be adopted or declared by any cemetery corporation, association, corporation sole or other person owning or controlling such cemetery shall specify and declare that at any time after the expiration of ten months from and after the first publication of the notice of such resolution or declaration required to be published under the provisions of section five of this act, the human bodies then remaining in any such cemetery or part thereof shall be removed by such cemetery corporation, association, corporation sole or other person owning or controlling such cemetery.

Notice of resolution of intention.

SEC. 5. Notice of such resolution or declaration of intention to remove the human remains from any such cemetery or part thereof shall be given to all persons interested therein by publication in a newspaper of general circulation published in the incorporated city, or city and county, wherein said cemetery or part thereof is situated, which publication shall be made at least once a week for two successive months. Said notice shall be entitled "Notice of Declaration of Intention to Remove Human Bodies from _____(insert name of cemetery) in accordance with the provisions of Ordinance No. _____(insert number) of the _____(insert name of city, or city and county) adopted _____(insert date)" and shall specify a date not less than ten months after the first publication of such notice when the cemetery corporation, association, corporation sole, or other person owning or controlling such cemetery lands and causing such notice to be published will proceed to remove the human remains then remaining in such cemetery or part thereof. Copies of said notice so published shall within ten days after the first publication thereof be posted in at least three conspicuous places in the said cemetery or part thereof from which said removals of the human remains interred therein are to be made, and a further copy of said notice shall be mailed to every person who owns or holds or has the right of burial in any lot or plat in said cemetery or part thereof affected by such resolution or declaration of abandonment and removal whose name appears as such owner or holder upon the records of such cemetery, which such notice so mailed shall be addressed to the last known post-office address of such respective lot owner or lot holder as the same appears from the records of said cemetery, and if no such address appears or is known, then the same shall be addressed

to such person at the city, city and county, or town wherein said cemetery land is situated; such notice shall be mailed to each known living heir at law of any person whose remains are resting in said cemetery, when the address of such heir is known.

SEC. 6. After the completion of the publication, posting and mailing of the notice of declaration of intention to make the removals provided for in the preceding section, and after the expiration of the period of ten months specified in said notice, any cemetery corporation, association, corporation sole or other person owning or controlling any such cemetery shall have power to cause the removal of all human remains interred in any such cemetery or part thereof from which the bodies therein have been ordered removed by ordinance of the board of supervisors or other governing body as herein provided and to reinter such bodies in other cemeteries in this state where burials are permitted, or to deposit the said remains in a mausoleum or columbarium erected for that purpose, without further notice to any person claiming any interest in said cemetery, or part thereof, or in the remains interred therein; *provided, however,* that at any time before the date fixed for the removal of such remains by the cemetery corporation, association, corporation sole or other person owning or controlling such cemetery lands, any relative or friend of any person whose remains are interred in such cemetery or part thereof from which it is proposed to make such removals may give such cemetery corporation, association, corporation sole or other person proposing to make such removals written notice that he or she desires to be present when such remains of a friend or relative so giving notice are disinterred or are reinterred or deposited in such mausoleum or columbarium. Such notice shall state the name of the person whose remains are referred to, and, as accurately as possible, shall describe the lot or plat where the remains are buried and the date of burial, and shall specify an address at which the notice hereinafter in this section provided for may be given. Such notice may be delivered at the office or principal place of business of said cemetery corporation, association, corporation sole, or other person owning or controlling such cemetery lands and proposing to make such removals, or may be forwarded thereto by registered mail. Upon receipt of any such notice before the date fixed for the removal of said remains by the cemetery corporation, association, corporation sole or other person proposing to make such removals, it shall be the duty of said cemetery corporation, association, corporation sole or other person to give written notice to the person giving the notice hereinabove provided of the time when such remains shall be disinterred and of the time when and the place where the same will be reinterred or deposited. Said last named notice may be given by delivery thereof at the address stated in the notice first above referred to or by mailing the same to the person giving such notice at such address, such delivery or mailing to be made at least ten days prior to the date specified for the

Time when
association
may remove
remains.

Right of
interested
parties to be
notified and
be present.

disinterment of such remains. Whenever such written notice shall be given by a relative or friend of any person interred in such cemetery lands from which such removals are proposed to be made, said cemetery corporation, association, corporation sole, or other person owning or controlling said cemetery lands and proposing to remove the bodies interred therein shall not disinter the remains referred to in said notice until the notice of the time of such disinterment is given such relative or friend, as herein provided.

Removal of
remains by
friends or
relatives.

Sec. 7. At any time prior to the removal by said cemetery corporation, association, corporation sole or other person owning or controlling said cemetery lands, of the remains of any person buried therein, any relative or friend of said person may voluntarily remove such remains and dispose of the same as he may desire: *provided, however*, that the person desiring to cause such removal shall, prior to such removal, deliver to said cemetery corporation, association, corporation sole, or other person owning or controlling such cemetery an affidavit duly sworn to before an officer qualified to administer oaths, stating the name of the person whose remains it is desired to remove and further stating, so far as is known to affiant, the date of burial of such remains and the names and places of residence of the heirs at law of such deceased person. In the event that the person desiring to cause such removal is not an heir at law of the person whose remains he desires to remove, such removal shall not be made by him until he shall have delivered to said cemetery corporation, association, corporation sole or other person owning or controlling such cemetery the written consent of a majority of the known heirs at law of such deceased persons who are residents of the State of California. The statements in the said affidavit shall be sufficient evidence of the numbers, names and residences of such heirs at law for all of the purposes of this section, and the written consent of the majority of such heirs at law named in said affidavit shall be sufficient warrant and authority for the cemetery corporation, association, corporation sole or other person owning or controlling such cemetery to permit the removal of the remains by such person; *and provided, further*, that the purchaser or owner of any burial lot or plat in any such cemetery or part thereof, or of the right of burial therein, or any one of the joint purchasers or owners of such lot or plat or burial right therein, may cause the removal of any or all of the remains interred in such lot or plat without the necessity of filing any affidavit of consent as hereinabove specified; and if the right, title or interest of any grantee of any burial lot or plat in such cemetery or the right of burial therein shall be passed by succession to the heir or heirs at law of such grantee without formal distribution by order of court, such heir or heirs at law may remove the remains of persons interred in any such lot or plat, and the affidavit of any such heir at law setting out the facts of such heirship shall be accepted

Removal
by owner
of lot.

by the cemetery corporation, association, corporation sole or other person owning or controlling such cemetery lands from which such removals are to be made as sufficient evidence for all the purposes of this section of the fact of the transfer of such right of burial to such heir or heirs at law, as alleged in said affidavit.

SEC. 8. Whenever the remains of any person shall have been removed from any such cemetery or part thereof under the provisions of this act by the cemetery corporation, association, corporation sole or other person having charge or control of such cemetery lands, such remains shall be transported to and reinterred in any other cemetery in this state where burials are permitted by such cemetery corporation, association, corporation sole or other person having charge or control of said cemetery lands, or part thereof, or deposited in a mausoleum or columbarium as herein provided. The remains of each person so reinterred shall be placed in a separate and suitable receptacle and decently and respectfully interred under such rules and regulations now in force or that may hereafter be adopted by such cemetery corporation, association, corporation sole, or other person making such removal. If the remains of any such person so removed from said cemetery lands are deposited in a memorial mausoleum or columbarium built for that purpose each body so removed shall be enclosed in a separate and suitable receptacle or container and shall be so deposited in a decent and respectful manner, in accordance with such rules and regulations now existing or that may hereafter be adopted by such cemetery corporation, association, corporation sole or other person owning or controlling such cemetery lands.

Reinterment
of remains,
manner of,
etc

SEC. 9. Whenever the remains of any person shall have been removed from any cemetery by any relative or friend of such person, under the provisions of this act, the person causing such removal shall also be entitled to remove any vault, monument, headstone, coping or other improvement appurtenant to the grave from which such remains have been removed, and the affidavit or written consent given under the provisions of section six hereof shall be sufficient warrant and authority for the cemetery corporation, association, corporation sole or other person owning or controlling such cemetery to permit such removal of any vault, monument, headstone, coping or other improvement appurtenant to such grave. Whenever the remains of any person buried in any lot or plat shall have been removed and any vault, monument, headstone, coping or other improvement appurtenant thereto shall remain on said lot or plat for more than ninety days after the removal of the last human remains therefrom, such vault, monument, headstone, coping or other improvement may be removed and disposed of by the cemetery corporation, association, corporation sole or other person owning or controlling such cemetery lands, and thereafter no person claiming any interest in said lot or plat, or any such vault, monument, head-

Removal of
vaults, mon-
uments, etc.

stone, coping or other improvement appurtenant thereto, shall have the right to maintain in any court any action in relation to any such vault, monument, headstone, coping or other improvement so removed or disposed of.

Sale of lands
after removal
of remains.

SEC. 10. Whenever the human bodies interred in any cemetery within the limits of any incorporated city, or city and county have been ordered removed by ordinance of the board of supervisors or other governing body of such city, or city and county under the provisions of this act, and the cemetery corporation, association, corporation sole, or other person owning or controlling such cemetery has duly made and published notice of intention to remove the human bodies interred from such cemetery lands, the parts or portions thereof in which no interments had been made, and such parts and portions thereof from which all human remains have been removed, may be sold by the cemetery corporation, association, corporation sole or other persons owning or controlling such cemetery lands, or may be mortgaged or otherwise pledged as security for any loan or loans made to such cemetery corporation, association, corporation sole or other person owning, or controlling such cemetery lands. No order of any court shall be required prior to the making of any such sale, mortgage, pledge or other encumbrance of such lands abandoned for cemetery purposes or from which the human remains have been removed; *provided, however*, that any sale of such cemetery lands made by any cemetery corporation or association controlled by a board of directors or other governing body shall be fairly conducted and the price paid therefor must be fair and reasonable and all such sales must be confirmed, as to the fairness and reasonableness of the price paid, by the superior court of the county, or city and county in which such lands are situated. Petitions for confirmation of such sales by cemetery corporations and associations governed by a board of directors or other governing body shall be made to the superior court of the county or city and county wherein such lands are situated, and the clerk of said court shall fix a day for the hearing and give notice thereof in accordance with the provisions of section one thousand five hundred fifty-two of the Code of Civil Procedure of the State of California, relating to confirmation of sales of real estate by an executor or administrator.

Confirmation
of sales.

Expense of
removal of
bodies.

SEC. 11. Whenever any cemetery corporation or association shall have declared for the removal of the human remains interred in any such cemetery and shall have published notice of its intention to make such removals under the provisions of this act, such cemetery corporation or association shall have power to employ any moneys in its treasury to defray the expense of such removal, including the expense of purchasing or otherwise providing a suitable place for the interment or depositing of such remains in any other cemetery, mausoleum or columbarium in this state; also including the expenses of disinterment, transportation and reinterment, or the depositing of such remains in such mausoleum or columbarium; also

the expenses of the removal and disposal of such vaults, monuments, headstones, copings or other improvements which may remain after the human bodies are removed from any such cemetery or part thereof; also including all necessary expenses incident to the sale or mortgaging of any of said lands; also all other expenses necessarily incurred in carrying out the removal and reinterment or disposing of the bodies so removed, and all other expenses incident to any of the above purposes. From the moneys remaining in the treasury of such cemetery corporation or association after completing the removal and reinterment of the bodies from such cemetery lands and the payment of all expenses incident thereto, the cemetery corporation or association shall set aside an adequate fund for the perpetual maintenance and care of the cemetery lands wherein such bodies so removed have been reinterred, or for the maintenance and care of any mausoleum or columbarium in which the bodies have been deposited, and after making this provision for perpetual maintenance and care, the board of directors or other governing body of such cemetery corporation or association may, in its discretion, use such portion of the funds then remaining as such board or governing body may determine to be just and fair in reimbursing those who voluntarily and at their own cost and expense removed the bodies of friends or relatives from the cemetery lands from which the bodies were ordered removed as herein provided, such reimbursement however to be not greater in amount than the average cost to the cemetery corporation or association for removals directly made by such corporation or association, and any balance remaining in the fund may be used for such other purposes as such cemetery corporation or association may lawfully declare.

Perpetual care.

Reimbursement of voluntary removals.

SEC. 12. Whenever any such cemetery corporation, association, corporation sole or other person owning or controlling any such cemetery lands from which the bodies interred therein are to be removed in accordance with the provisions of this act, shall have purchased or otherwise acquired any lands or mausoleum or columbarium, or the possession or use thereof, for the purpose of providing a place for the reinterment or depositing of any human remains which may be removed from any such cemetery or part thereof, such new lands may be surveyed and subdivided into lots and plats and avenues and walks for cemetery purposes; and any such mausoleum and columbarium, or any part thereof, may be divided into niches, compartments or receptacles for the receipt of such remains as may be therein deposited. Thereafter such lots or plats, niches, compartments or receptacles may be sold to persons desiring to make reinterments or to deposit human remains therein and the board of directors or other governing body of any such cemetery corporation or association may receive and accept as part or full consideration for the purchase price of such new lots or plats, niches, compartments or receptacles and under such terms and conditions as to the value or price thereof as the said directors or other governing body may

Exchange of cemetery lots, etc.

Reservation
of lands for
mausoleum.

seem equitable, full or partial releases from the members of such corporation of their respective right in or to the whole or any part of the assets of said corporation or association other than the lot or plat, niche, compartment or receptacle conveyed to such purchasers respectively. Any retransfer to said cemetery corporation or association of any lot or plat in the cemetery from which the removal of the human remains are to be made shall operate as such a release. Sufficient lands may be reserved from any such cemetery lands from which the human remains have been removed to erect a memorial mausoleum or columbarium for the depositing of the bodies disinterred from such cemetery lands and to provide sufficient grounds around the same and to preserve such historical vaults or monuments as the board of directors or other governing body of any such cemetery corporation or association may determine to be proper or necessary, providing the board of supervisors or other governing body of the incorporated city or city and county in which the lands are situated shall approve such use of the reserved lands.

Markers,
plats, plans,
records, etc.

SEC. 13. After the removal and reinterment or deposit in a mausoleum or columbarium of the bodies disinterred from any such cemetery or part thereof the cemetery corporation, association, corporation sole or other person owning or controlling such cemetery lands and making such removals shall cause to be erected upon or imbedded in any lot or plat wherein any such body is reinterred a suitable permanent marker identifying such remains, and shall prepare a complete map or plat describing and showing the location and subdivision into lots and plats of the cemetery lands where such bodies are reinterred, or a plan of any mausoleum or columbarium wherein such bodies may be deposited; and there shall also be attached to any such plan or plans a description of the name of each person whose body is so reinterred or deposited, where known, and the lot or plat in the cemetery, or the niche or compartment in any mausoleum or columbarium where such body is reinterred or deposited; such map or plan shall be kept on file in the office of such cemetery corporation, association, corporation sole or other person making such removals and reinterments or depositing bodies in a mausoleum or columbarium, and shall at all times be open to inspection by the relatives or friends of those so reinterred or deposited.

Declaration
of removal to
be filed.

SEC. 14. After the removal of all human remains interred in any part or the whole of the cemetery lands as in this act provided, the cemetery corporation, association, corporation sole or other person owning or controlling such cemetery lands may file for record in the office of the county recorder of the county or city and county in which such lands are situated a written declaration reciting that all human remains have been removed from the part or portion of such lands described in such declaration. Such declaration shall be acknowledged in the manner of the acknowledgment of deeds to real property by the president and secretary, or other corresponding officers of such cemetery corporation or association or by the incumbent

of any such corporation sole or by the person owning or controlling such cemetery lands, and thereafter any deed, mortgage or other conveyance of any part of said lands shall be conclusive evidence in favor of any grantee or mortgagee therein named, his successor or assigns of the fact of the complete removal of all human bodies therefrom.

SEC. 15. Whenever any cemetery corporation or association having a board of directors or other governing body shall have caused the removal from any cemetery or part thereof owned by it or under its charge or control of the human remains therein interred, and said cemetery corporation or association shall have funds in its treasury which are not required for other purposes of said corporation, said corporation shall have power to set aside, invest, use and apply from such unexpended funds such sum as, in the judgment of the directors of said corporation, shall be necessary or expedient to provide for the perpetual or other care or improvement of any lands or mausoleum or columbarium or part thereof in which said remains may be reinterred or deposited; *provided, however*, that in lieu of itself investing, using or applying said funds for the purposes in this section specified, said cemetery corporation may transfer said funds to any other corporation under such conditions and regulations as in the judgment of the directors of said cemetery corporation will insure the application thereof to the purposes in this section specified; *and provided, further*, that before any such transfer of such funds is made said cemetery corporation or association shall have obtained an order authorizing such transfer from the superior court of the county or city and county where the cemetery or part thereof abandoned under the provisions of this act is situated. Such order shall be obtained upon petition of said cemetery corporation, and any member of said corporation may support or oppose the granting of the order by affidavit or otherwise. Before making the order, proof must be made to the satisfaction of the court that notice of the application for leave to transfer such funds has been given by publication in such manner and for such time as the court has directed, and that it is for the best interests of the said cemetery corporation that such transfer be made.

SEC. 16. In the disinterment, transportation and removal of human remains made under the provisions of this act, it shall not be necessary for the cemetery corporation, association, corporation sole or other person owning or controlling such cemetery, to obtain from the board of health or health officer of the city, city and county or town where such cemetery lands are located, a separate permit for the disinterment, transportation or removal of the remains of each person so disinterred, transported or removed, but such disinterment, transportation and removal of such human remains shall be made subject to such reasonable rules and regulations relative to the manner of disinterring, transporting or removing such remains as may be adopted by the board of health or health officer of

Use of
surplus
funds for
perpetual
care, etc.

Rules and
regulations
of health
officers
relative to
removal.

the city, city and county or town wherein such cemetery lands are situated.

Removals
from church
cemeteries.

SEC. 17. Nothing in this act contained shall authorize or permit, or be construed or deemed to authorize or permit, the heirs, relatives or friends of any deceased person whose body has been interred in any cemetery owned, governed or controlled by any religious corporation or by any church or religious society or any denomination or by any corporation sole administering temporalities of any religious denomination, society or church or owned, governed or controlled by any person or persons as trustee or trustees for any religious denomination, society or church to disinter, remove, reinter or dispose of any such body except in accordance with the rules, regulations and discipline of such religious denomination, society or church.

Constitution-
ality.

SEC. 18. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Repealed.

SEC. 19. All acts or parts of acts in conflict herewith are hereby repealed.

CHAPTER 313.

An act to require owners of forest lands to provide a fire patrol therefor.

[Approved June 6, 1923.]

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

Owners of
forest lands
to maintain
fire patrols.

SECTION 1. Every owner of forest land except redwood forest lands in the State of California shall furnish or provide a sufficient and adequate fire patrol therefor during the season of the year when there is danger of forest fires, which patrol shall meet with the approval of the state board of forestry.

"Adequate
fire patrol"
defined.

SEC. 2. For the purpose of this act a sufficient and adequate fire patrol shall be construed to mean one equal to that maintained by forest owners in this state who have entered into cooperative fire protection agreements with the state board of forestry under the provisions of chapter 176, statutes 1919, or who have entered into an agreement with the forest service of the United States department of agriculture, or equal to that maintained by owners of fifty per cent or more of forest land in the same locality, or under similar conditions in other localities, who are in good faith protecting their lands against fire.

SEC. 3. In the event that any owner or owners shall fail or neglect to provide such fire patrol except in cases where

in the judgment of the state board of forestry such patrol is unnecessary then the state forester shall under the direction of the state board of forestry provide the same at a cost not to exceed three cents per acre per annum; *provided*, that when in times and localities of unusual hazard, adequate protection of forest areas demands expenditures in excess of three cents per acre, the state forester with the approval of the state board of forestry, may, after thorough investigation of the need thereof, authorize and approve expense sufficient properly to safeguard the timber resources, but amounts so approved shall not exceed the actual cost of the work performed. Any amounts so paid or contracted to be paid by the state forester in providing adequate patrol for the said land shall be due and payable immediately to the state forester who shall deposit such amounts in the state treasury to the credit of the "state board of forestry fire prevention fund" hereinafter created. Any amount remaining unpaid for a period of thirty days shall become a lien upon the property protected in pursuance of this act. Notice of such lien shall be filed and recorded in the office of the county recorder of the county in which the said property is situated within thirty days after said lien has accrued and a copy of said notice of lien shall be mailed to the person or persons who appear of record to be the owners of any mortgage, trust deed, lien, contract, option, bond or other encumbrances to said property at the last known place of residence of said encumbrancer and if the place of residence of said encumbrancer be unknown to the state forester, then such fact shall be stated in said copy so mailed and it shall be addressed to the county seat of the county wherein said property is situated. Such lien shall take precedence over and shall be paramount to all mortgages, trust deeds, liens, contracts, options, bonds or other encumbrances upon the land, excepting only the lien of taxes. If such sum secured by such lien be not paid within eighty days from the filing of such notice of lien then there shall be added to the same and secured by such lien a penalty of fifteen per cent on the amount of such lien. An action to foreclose such lien shall be commenced within eighty days after the filing and recording of said notice of lien, which action shall be brought in the proper court by the district attorney of the county in the name, and for the benefit of the state board of forestry, and when the property is sold, enough of the proceeds shall be paid into the treasury of the State of California and therein deposited in a fund to be known as the "state board of forestry fire prevention fund" which fund is hereby created, to satisfy the lien and costs. The overplus, if there be any, shall be paid to the owner of the property if he be known, and if not, into the court for his use when ascertained.

By the second Monday of October in each year the state forester shall have prepared a list of all sums due to the state, and upon request of any forest landowner shall then render a statement of any sums from him so due, and upon further

State forester to provide the patrol in certain cases at expense of landowners.

Unpaid expense a lien.

Foreclosure.

Annual statements and hearings.

request such owner shall be granted a hearing before the state board of forestry concerning any activity of the said board or the state forester affecting his property or costs charged thereto for protection. On the hearing, any interested person may appear and be heard. The board may take testimony or authorize it to be taken by any judicial officer of the county; and it may adjourn the hearing from time to time. The decision of the board upon any such matters shall be final and conclusive.

Use of fire prevention fund.

All moneys in the said "state board of forestry fire prevention fund" are hereby appropriated to the use of the state forester for the purpose of carrying out the provisions of this act and shall be paid out of said fund upon warrant of the state controller based upon claims to be filed by the state forester approved by the state board of control.

"Forest land" defined.

SEC. 4. For the purpose of this act any land shall be considered forest land which has enough forest growth standing or down or has sufficient inflammable forest debris to constitute, in the judgment of the state board of forestry, a fire menace to itself or adjoining land.

Owners of certain lands excepted.

SEC. 5. The owner or owners of any land coming under the provisions of this act who shall reside within one and one-half miles of the further limits of said land, shall be considered by virtue of said residence to maintain a sufficient fire patrol and shall not be compelled to maintain any additional patrol on said lands.

Power of state board of forestry.

SEC. 6. The state board of forestry is hereby authorized to prescribe necessary and proper rules and regulations and to do any and all things necessary to carry out and accomplish the purposes of this act.

Constitutionality.

SEC. 7. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Repealed.

SEC. 8. All acts and parts of acts inconsistent with this act are hereby repealed.

CHAPTER 314.

An act to amend section five of an act entitled "An act to provide for a general system, based upon investigation as to merit, efficiency and fitness, for appointment to and holding during good behavior of office and employment under state authority and, in that behalf, to create a state civil service commission, to prescribe its powers and duties, to make the wilful violation of the provisions of this act a misdemeanor, to repeal all acts and parts of acts inconsistent herewith in so far as they may be inconsistent

with the provisions of this act, and to make an appropriation therefor," approved June 16, 1913, as amended.

[Approved June 7, 1922.]

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

SECTION 1. Section five of an act entitled "An act to provide for a general system, based upon investigation as to merit, efficiency and fitness, for appointment to and holding during good behavior of office and employment under state authority and, in that behalf, to create a state civil service commission, to prescribe its powers and duties, to make the wilful violation of the provisions of this act a misdemeanor, to repeal all acts and parts of acts inconsistent herewith in so far as they may be inconsistent with the provisions of this act, and to make an appropriation therefor," approved June 16, 1913, as amended, is hereby amended to read as follows:

Sec. 5. The commission shall:

First—Classify positions to be held under state authority in accordance with the provisions of this act and in accordance with the duties attached to such positions. The commission shall grade all positions within each class with respect to salaries, to the end that like salaries shall be paid for like duties, and shall establish minimum and maximum salary limits for each grade in its classification of positions, and shall provide by rule for advancement of salary within each grade on the basis of efficiency and length of service. Such classes and grades may from time to time be amended, added to, consolidated or abolished by the commission, but persons holding positions under the original classification or grade shall not be affected thereby.

Second—Hold examinations to determine the merit, efficiency and fitness of applicants for positions, and prepare properly classified eligible lists from applicants so examined. All questions for examination shall be prepared under the supervision of the commission or chief examiner and delivered to the examining board or to the candidates by one of the commissioners or chief examiner or by an examiner specially designated to perform such service.

Third—Enforce the provisions of this act and prescribe, and enforce suitable rules and regulations for carrying the same into effect and from time to time amend and repeal the same.

Fourth—Keep minutes of its own proceedings and records of its examinations and other official actions.

Fifth—Records of individual efficiency of holders of positions in performing their duties shall be established in all offices and places of employment affected by this act. Such records shall be made by the appointing power, unless otherwise directed by the commission, and under and in accordance with such rules and regulations as the commission may prescribe, and a copy of such records shall be filed with the

Stat. 1913,
p. 1313,
amended

Classify and
grade
positions.

Hold exam-
inations

Enforce act.

Efficiency
records

commission. The commission shall investigate all such efficiency records and may make its own records, and shall rate upon such records the item of "ascertained merit" in examinations for promotion. The commission shall establish and enforce rules and regulations under which records of unsatisfactory service may lead to reduction in grade and compensation of the person holding the position concerned, and shall further provide for the manner in which persons falling below the standards of efficiency fixed by its rules and regulations may be removed from their positions by the commission proceeding substantially as provided in this act and with the same effect as in case of removals by the appointing power.

Make Investigations.

Sixth—Make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of this act and the rules and regulations prescribed thereunder; inspect all state institutions, offices, places of employment and services affected by this act, and ascertain whether this act and all such rules and regulations are obeyed. Such investigation may be made by any commissioner, or chief examiner, or by any other authorized agent of the commission. In the course of such investigation any commissioner, or chief examiner or such other authorized agent of the commission, or the secretary of the commission, shall have power to administer oaths, subpoena and require the attendance in this state of witnesses and the production thereby of books, papers, documents and accounts appertaining to the investigation but not requiring the attendance of witnesses either with or without books, papers, documents or accounts unless residing within the same county or within thirty miles of the place of attendance.

Rules governing hearings.

Seventh—All hearings and investigations before the commission, or any commissioner, or the chief examiner or such other authorized agent of the commission shall be governed by this act and by rules of practice and procedure to be adopted by the commission, and in the conduct thereof neither the commission, nor any commissioner, nor the chief examiner nor such other authorized agent of the commission shall be bound by the technical rules of evidence. No informality in any proceeding or in the manner of taking testimony before the commission or any commissioner, or the chief examiner or such other authorized agent of the commission shall invalidate any order, decision, rule or regulation made, approved or confirmed by the commission. The superior court in and for the county, or city and county, in which any inquiry, investigation, hearing or proceeding may be held by the commission, or any commissioner, or the chief examiner or such other authorized agent of the commission shall have the power to compel the attendance of witnesses, the giving of testimony and the production of books, papers, documents and accounts, as required by any subpoena issued by the commission, or any commissioner, or such other authorized agent of the commission or the secretary. The commission, or the commissioner, or the chief examiner or such other authorized agent of the

Compelling attendance of witnesses.

commission before whom the testimony is to be given or produced, in case of the refusal of any witness to attend or testify or produce any papers required by such subpoena, may report to the superior court in and for the county, or city and county, in which the proceeding is pending, by petition, setting forth that due notice has been given of the time and place of attendance of said witness, or the production of such books, papers, documents or accounts, and that the witness has been summoned in the manner prescribed in this act, and that the witness has failed and refused to attend or produce such books or papers or documents or accounts required by the subpoena, before the commission, or the commissioner, or the chief examiner, or such other authorized agent of the commission, in the matter named in the notice and subpoena, or has refused to answer questions propounded to him in the course of such proceeding, and ask an order of said court, compelling the witness to attend and testify or produce such books or papers or documents or accounts before the commission, or any commissioner, or the chief examiner or such other authorized agent of the commission. The court, upon the petition of the commission, or any commissioner, or the chief examiner or such other authorized agent of the commission, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than ten days from the date of the order, and then and there show cause why he has not attended and testified or produced said papers before the commission, or such commissioner, or the chief examiner or such other authorized agent of the commission. A copy of said order shall be served upon said witness. If it shall appear to the court that said subpoena was regularly issued by the commission, or any commissioner, or the chief examiner or other authorized agent of the commission or the secretary, the court shall thereupon enter an order that said witness appear before the commission, or such commissioner, or the chief examiner or any other authorized agent of the commission at the time and place fixed in said order, and testify or produce the required books, papers, documents and accounts, and upon failure to obey said order, said witness shall be dealt with as for contempt of court. The remedy provided in this section is cumulative, and shall not be construed to impair or interfere with the power of the commission, or a commissioner, or the chief examiner or any such other authorized agent of the commission to enforce the attendance of witnesses and the production of books, papers, documents and accounts.

Order directing witness to appear.

The commission, or any commissioner, or the chief examiner or such other authorized agent of the commission may, in any investigation or hearing before the commission, or any commissioner, or the chief examiner or such other authorized agent of the commission, cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior courts of this state and to that end may compel the attendance

Depositions.

of witnesses and the production of books, papers, documents and accounts.

Witnesses not
excused from
testifying.

No person shall be excused from testifying or from producing any book, paper, document or account in any investigation or inquiry by or hearing before the commission, or any commissioner, or the chief examiner or such other authorized agent of the commission, when ordered to do so, upon the ground that the testimony or evidence, book, paper, document or account required of him may tend to incriminate him or subject him to penalty or forfeiture, but no person shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any act, transaction, matter or thing concerning which he shall, under oath, have testified or produced documentary evidence: *provided*, that no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony. Nothing herein contained shall be construed as in any manner giving to any person immunity of any kind otherwise than is herein expressly provided.

Biennial
report

Eighth—Make a biennial report to the governor for transmission to the legislature, showing the action of the commission, including all the rules and regulations adopted by it during such period and those that are in force at the time of making such report, information as to exempted positions as required by this act and the effects of this act and of all proceedings under it and any suggestions the commission or any commissioner may deem practical for the more effectual accomplishment of the purposes of this act.

Meetings

Ninth—Meet at Sacramento as often as the needs of the public service may require, and at such other places as the commission may designate. A majority of the members of the commission shall constitute a quorum.

CHAPTER 315.

An act to amend sections two, five, seven, eight, nine and ten of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in state and interstate markets, and to protect the state's reputation in these markets by establishing standards and standard packages for certain fruits, nuts and vegetables specified therein, and to prevent deception in the packing and sale of fruits, nuts and vegetables, to provide for the certification of fruits and vegetables, including the payment of fees, to prescribe penalties for violation of the provisions hereof and to repeal an act entitled 'An act to promote the development of the California fruit and vegetable industry in state and interstate markets, and to protect the state's reputation in these markets by establishing standards and standard packages for certain fruits and vegetables specified therein, and to prevent deception in fruit packages, prescribing penalties for violation of the

provisions hereof and making an appropriation for the enforcement of all provisions hereof, and repealing all acts inconsistent herewith,' approved May 27, 1919,' approved June 3, 1921.

[Approved June 8, 1923.]

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

SECTION 1. Section two of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in state and interstate markets, and to protect the state's reputation in these markets by establishing standards and standard packages for certain fruits, nuts and vegetables specified therein, and to prevent deception in the packing and sale of fruits, nuts, and vegetables, to provide for the certification of fruits and vegetables including the payment of fees, to prescribe penalties for violation of the provisions hereof and to repeal an act entitled 'An act to promote the development of the California fruit and vegetable industry in state and interstate markets, and to protect the state's reputation in these markets by establishing standards and standard packages for certain fruits and vegetables specified therein, and to prevent deception in fruit packages, prescribing penalties for violation of the provisions hereof and making an appropriation for the enforcement of all provisions hereof, and repealing all acts inconsistent herewith,' approved May 27, 1919," approved June 3, 1921, is hereby amended to read as follows:

Stats. 1921,
p. 1285,
amended

Sec. 2. To promote the development of the California fresh fruit, nut and vegetable industry and to prevent deception in the packing, shipping or sale of fruits, nuts and vegetables for state or interstate shipment, there are hereby created and established certain standards and standard packages for walnuts, apricots, berries, cantaloupes, cherries, grapes, melons, oranges, peaches, pears, plums, prunes, quinces, head lettuce, onions, potatoes, sweet potatoes, and tomatoes.

Standards
for fruits
and
vegetables
established.

Sec. 2. Section five of said act, approved June 3, 1921, is hereby amended to read as follows:

Stats. 1921,
p. 1287,
amended.

Sec. 5. All fresh fruits or vegetables of the kind specified in this act intended for use in processing, preserving, or in the manufacture of by-products, shall be exempt from the provisions of this act; and any inspector of fresh fruits and vegetables may require from the owner or shipper of such fruits and vegetables such proof as he may deem necessary that they will be used in processing, preserving, or in the manufacture of by-products, and shall hold same until satisfactory proof is given; *provided, however*, that grapes must conform to the sugar standards in section ten hereof; *and provided, further*, that grapes shipped as "California commercial grade" which standard is hereby established, shall be shipped in standard "California lug box" plainly marked in letters not less than one-half inch in height with the designation "Cal-

Fruits or
vegetables
for preserv-
ing, etc.

ifornia commercial grade;" and shall consist of grapes showing not in excess of ten (10) per cent by weight of decayed, moldy, crushed or otherwise defective berries; but not more than one-half of this ten per cent shall consist of dried or partially dried berries.

Stats. 1921,
p. 1237,
amended.
Standard
packages.

SEC. 3. Section seven of said act, approved June 3, 1921, is hereby amended to read as follows:

Sec. 7. Standard packages are hereby established as follows:

(1) Standard apricot, plum and grape basket, approximately eight inches square on top, six and one-half inches on bottom, and four inches deep, inside measurements.

(2) Standard berry baskets, dry pint containing an interior capacity of approximately thirty-three and six-tenths cubic inches and dry one-half pint containing interior capacity of approximately sixteen and eight-tenths cubic inches; *provided*, that the standard basket for strawberries shall be the dry pint.

	Depth inside, in inches	Width inside, in inches	Length outside, in inches
(3) Standard pear box -----	8 $\frac{1}{2}$	11 $\frac{1}{2}$	19 $\frac{1}{2}$
Half pear box -----	4 $\frac{1}{2}$	11 $\frac{1}{2}$	19 $\frac{1}{2}$
Standard peach box -----	4 $\frac{1}{2}$	11 $\frac{1}{2}$	19 $\frac{1}{2}$
Standard peach box -----	4 $\frac{1}{2}$	11 $\frac{1}{2}$	19 $\frac{1}{2}$
Standard peach box -----	4 $\frac{1}{2}$	11 $\frac{1}{2}$	19 $\frac{1}{2}$
Standard crates -----	4 $\frac{1}{2}$	16	17 $\frac{1}{2}$
Standard crates -----	4 $\frac{1}{2}$	16	17 $\frac{1}{2}$
Standard crates -----	4 $\frac{1}{2}$	16	17 $\frac{1}{2}$
(4) Standard grape crates -----	4 $\frac{1}{2}$	16	17 $\frac{1}{2}$
With heavy cleat $\frac{11}{16}$ of an inch by $\frac{11}{16}$ of an inch.			
(5) Standard grape drum -----	14	15 $\frac{1}{2}$	---
Containing 2642 cubic inches.			
(6) Standard grape keg -----	---	---	---
Containing 2642 cubic inches min- imum.			
(7) California lug box -----	5 $\frac{1}{2}$	14	17 $\frac{1}{2}$
(8) Peach size cherry lug -----	4	11 $\frac{1}{2}$	19 $\frac{1}{2}$
(9) Standard cherry lug -----	4 $\frac{1}{2}$	9	19 $\frac{1}{2}$
(10) Special cherry lug -----	3	9 $\frac{1}{2}$	19 $\frac{1}{2}$
(11) Special cherry lug -----	3	11 $\frac{1}{2}$	19 $\frac{1}{2}$
(12) Standard cherry box -----	2 $\frac{1}{2}$	9	19 $\frac{1}{2}$
(13) Special fruit lug -----	4	14	17 $\frac{1}{2}$

(14) Standard lettuce crate, depth, inside in inches, thirteen; width, inside in inches, eighteen; length, inside in inches, not less than twenty-one and three-fourths; length, outside in inches, not more than twenty-four and one-half.

(15) Standard cantaloupe crates, twelve inches by twelve inches by twenty-two and one-half inches, to be packed with thirty-six or forty-five cantaloupes; four inches by twelve inches by twenty-two and one-half inches, to be packed with nine, twelve or fifteen cantaloupes; eleven inches by eleven inches by twenty-two and one-half inches, to be packed with forty-five or fifty-four cantaloupes; thirteen inches by thirteen inches by twenty-two and one-half inches, to be packed with thirty-six or forty-five cantaloupes; four and one-half by thirteen and one-half by twenty-two and one-half inches, containing nine, twelve or fifteen cantaloupes. All cantaloupe packs

other than those provided in this section shall be conspicuously marked in letters not less than one-half inch in height. "irregular pack."

SEC. 4. Section eight of said act approved June 3, 1921, is hereby amended to read as follows:

Stats. 1921,
p. 1248,
amended.
Labels on
containers.

SEC. 8. All containers of fruit of a kind specified in this act, except subcontainers, when packed and offered for sale, shall bear upon them in plain sight and in plain letters on the outside thereof the following: Name of the orchard where the same was produced, with the post-office address thereof, or the name and post-office address of the person, firm, company or corporation, or organization who shall have first packed or authorized the packing of same, or the name under which such packer shall be engaged in business, together with the post-office address of such packer; name of variety if known, and when not known the words "unknown variety"; minimum net weight or approximate number of fruits in the container or subcontainer, which number shall be within four of the true count, except in the case of lettuce when such number shall be within three of the true count, and no container or subcontainer shall have less than the minimum stamped thereon. When two or more varieties are packed or placed in a container, they shall be labeled "mixed varieties." Pears and peaches, when packed, shall have the correct number within four placed on the container.

Standard or other containers when used as subcontainers are exempt from the provisions regarding marking, when the container in which they are placed is marked in compliance with the terms of this section. No containers or subcontainers of fruits or vegetables shall bear grade or other designations that are in any way false or misleading. Nothing in this act shall be construed to conflict with any California or federal regulations regarding net weight markings on containers or subcontainers.

Containers in which the fruit in the top layer only is placed in regular compact arrangement, excepting cherries, berries, and grapes, shall be labeled "face and fill" in lieu of the approximate number of fruits or net weight.

SEC. 5. Section nine of said act, approved June 3, 1921, is hereby amended to read as follows:

Stats. 1921,
p. 1249,
amended.

SEC. 9. All fresh fruits and vegetables of the kinds specified in this act, except such as shall be used in the manufacture of by-products, when prepared or offered for sale or sold, shall be packed or placed in standard containers, which are hereby established, and shall conform to all provisions of this act; *provided*, that, with the exception of berries, other sized containers may be used if conspicuously marked in letters not less than one-half inch high, "irregular container."

Fresh fruits
and
vegetables to
be packed in
standard
containers.

SEC. 6. Section ten of said act, approved June 3, 1921, is hereby amended to read as follows:

Stats. 1921,
p. 1230,
amended.

SEC. 10. In addition to the standards prescribed in section three of this act, grapes shall show a sugar content of not less than seventeen per cent Balling scale, except Burger, Emperor,

Sugar
content of
grapes.

Gros Colman, Pierce Isabella, and Cornichon, which shall show not less than sixteen per cent Balling scale; *provided, however*, that in cases where lower sugar content is required for processing, preserving, or manufacturing grapes than is established in this section, the director of agriculture is authorized to issue a permit for delivery of same, such permit to be a matter of public record in the department of agriculture. Containers of grapes moved under special permit shall be conspicuously marked in letters not less than one-half inch in height "low sugar content."

Oranges

Permits so issued shall be revocable at any time upon proper showing being made to the director of agriculture. Oranges shall be deemed properly matured for shipment or sale under the provisions of this act when the juice contains soluble solids equal to or in excess of eight parts to every part of acid contained in the juice, the acidity of the juice to be calculated as citric acid without water of crystallization; *provided*, that the oranges have attained at least twenty-five per cent yellow or orange color before picking, and oranges which are substantially or at least seventy per cent colored at the time of picking shall be deemed properly matured for shipment or sale, irrespective of analysis of the juice. When packed, shipped, delivered for shipment, offered for sale or sold, oranges shall be virtually free from insect and fungous diseases and other serious defects. Oranges shall be considered unfit for shipment when frosted to the extent of endangering the reputation of the citrus industry, if shipped. The foregoing provisions shall not apply to shipments of oranges to foreign countries other than the Dominion of Canada, during any season, provided such shipments are made after the first day of November.

Head lettuce.

In addition to the standards prescribed in section three of this act, during the months of January, February and March, of each year, head lettuce when packed, or after packing, or when shipped, delivered for shipment, offered for sale or sold as a standard pack, shall contain not less than three dozen, nor more than five dozen heads of lettuce per crate, with a tolerance of three heads of lettuce per crate, which are firm or fairly firm, and which are not less than eleven inches in circumference when measured around the widest portion of head between butt end and top after outer leaves are removed. All head lettuce shall be tightly packed with a slight bulge of crates when lidded, and crates shall contain not more than thirty pounds of ice. Crates in which lettuce does not conform to the above standards shall be marked "Irregular Pack" in letters not less than one-half inch in height. All crates of lettuce shall be conspicuously marked with the exact number of heads contained therein, and with the name and post-office address of the person, firm, company, organization or corporation packing or shipping same.

Cantaloupes.

Cantaloupes shall be considered mature when the juice of the edible portion of the cantaloupe contains not less than

nine per cent soluble solids as determined by the Brix hydrometer. Cantaloupes shall be considered unfit for shipment when soft or overripe.

CHAPTER 316.

An act authorizing the use of convict labor on state highways or state roads; providing for the compensation of such convict labor; regulating the handling of such convict labor; providing for payment of compensation to the dependents of such convicts; providing for a forfeiture of such compensation; providing for creation of prisoners recreation and educational fund; providing for manner of payment of compensation to said convicts upon release on parole or release or discharge from prison; authorizing allowance of extra good time credits for such labor; providing penalties for interference with such convict labor and repealing all acts or parts of acts in conflict herewith.

[Approved June 9, 1923.]

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

SECTION 1. The state highway commission of the State of California may employ or cause to be employed, convicts confined in the state prisons in the construction, improvement and maintenance of the state highway system, provided for in the "state highways act" approved March 22, 1909, the "state highways act of 1915," approved May 20, 1915, and in section two of article sixteen of the constitution, and in the construction, improvement and maintenance of any other state roads in California.

Upon the requisition of the state highway commission, the state board of prison directors shall send to the place and at the time designated the number of convicts requisitioned or such number thereof as are in the judgment of the warden available. All convicts so employed as aforesaid shall receive not to exceed the sum of two dollars fifty cents per day for the number of days which such convict shall actually perform labor upon the construction, improvement and maintenance of the state highway system; *provided, however*, in no event shall said convict earn more than seventy-five cents net per day; *provided, however*, that the convicts, when so employed, shall be charged with his or their proportionate share of all expenses for the proper maintenance of the road camp, including the expenses of transportation from the prison to the road camp, clothing, food, medicine, medical attendance, toilet articles, tools and appliances for the performance of such labor, and the pro-rata cost of reward for capturing escapes from the road camp, which award is hereby fixed at the sum of two hundred dollars for the capture and return of each escaped prisoner, payable to any individual or peace officer. No convict while engaged in such construction,

Not to drive trucks.

Payment of part of earnings to dependents.

Disposition of balance.

Forfeitures go into "Prisoners fund"

maintenance and improvement of the state highway system or any other state roads shall be engaged as drivers of motor trucks or other vehicle or wagon used in the construction, improvement or maintenance of such highways or state roads or in the transportation of supplies and materials to or from the road camp where the said motor trucks or other vehicle or wagon in the course of such hauling of materials and supplies in such construction, improvement or maintenance of such state highways or state roads. shall be required to travel to places or locations away from the camp limits of the prison road camp. After deducting all such expenses as aforesaid the California highway commission shall give two-thirds of the balance of such sums so earned to the dependents of the convict or convicts; *provided*, that the dependents of the convict or convicts are in need and are obtaining state aid or if the dependents of the convict or convicts are not obtaining state aid then the convict or convicts may direct to which of the dependents of the said convict or convicts the said money herein provided for shall be given and the remaining sum after such deductions as aforesaid, if any, shall be retained until the convict shall have completed his term of parole or earned his release or discharge from prison; *provided, however*, that in case said convict shall not have obtained work or employment at the time of his release on parole and there shall be a balance of money to the credit of said convict with the California highway commission then the said balance shall not be paid to the convict in any sum greater than fifty dollars per month until such convict shall obtain employment; *provided, further*, that in case of a release of the said convict on parole the state board of prison directors may in its discretion specify a reasonable amount of such balance to be retained by the California highway commission for the purpose of insuring the good behavior of such convict while on parole and transportation to the place of confinement in case of the violation of the terms of his parole; *provided, further, however*, that it shall be within the discretion of the board of prison directors in the case of a convict released or discharged from a prison to direct that certain portions or amounts of any sum due to such convict from the California highway commission, be advanced or furnished to such convict either for the purposes of business, transportation to any place of employment or such other purposes as the board shall deem proper and necessary. Every convict upon his release on parole or release or discharge from prison shall deliver to the California highway commission all tools and appliances mentioned herein and for which said convict is charged and shall thereupon be entitled to receive in addition to the amount herein specified the amount so charged against him for the tools and appliances.

When any convict shall wilfully violate the terms of his employment, or the rules of the road camp or of the terms of his parole the board of prison directors may in its discretion

determine what portion of all moneys earned by the convict shall be forfeited by the said convict and such forfeiture shall be deposited in the state treasury in a fund to be known as the "prisoners fund," which said fund is hereby created. All the money in said fund is hereby appropriated for educational and recreational purposes at the prison road camps as the same shall be established and shall be expended under the direction of the highway commission upon warrants drawn upon the state treasury by the state controller after approval of the claim therefor by the state board of control.

SEC. 2. The state highway commission shall designate and supervise all road work done under the provisions of this act. It shall provide, supervise and maintain necessary camps and commissariat.

Duties of
highway
commission.

SEC. 3. The board of prison directors shall have full jurisdiction at all times over the discipline and control of the convicts employed on said roads.

Jurisdiction
of prison
directors.

SEC. 4. The expenses of transportation of labor, necessary guarding, commissariat, camps, and all other expenses incidental to such work shall be borne by the respective funds provided for such state road or highway in the manner provided by law, subject, however, to the provisions of section one hereof.

Expenses.

SEC. 5. Said convicts when employed under the provisions of this act shall not be used for the purpose of building any bridge or structure of like character which requires the employment of skilled labor.

Convicts
not to build
bridges, etc.

SEC. 6. The state board of prison directors is hereby empowered and directed to adopt a special rule applicable solely to convicts employed as herein authorized and contemplated, whereby convicts so employed shall be granted additional good time allowance in addition to the compensation herein provided, conditioned upon their loyal obedience and efficient cooperation with the state in the construction, improvement and maintenance of the state highway system or state roads and in the maintaining of discipline and good conduct in the prison road camps, but such additional good time allowance shall not exceed one day for each two calendar days that the convict is absent from the prison.

Additional
good time
allowance.

SEC. 7. Any person, who, without authority, interferes with or in any way interrupts the work of any convict employed pursuant to this act and any person not authorized by law, who gives or attempts to give to any state prison convict so employed any opium, cocaine or other narcotics, or any intoxicating liquors of any kind whatever, or firearms, weapons or explosives of any kind is guilty of a felony and upon conviction thereof shall be punished by imprisonment in the state prison for a term of not less than one year nor more than five years and shall be disqualified from holding any state office or position in the employ of this state. Any person who interferes with the discipline or good conduct of any convict employed pursuant to this act, while such convict is in the confines or limits of the state prison road camp is guilty of a mis-

Penalties
for interfer-
ence with
convicts, etc.

demeanor and upon conviction thereof shall be punished by imprisonment in the county jail for a term not more than six months or by a fine of not more than two hundred dollars or by both such fine and imprisonment. Any peace officer or any officer or guard of any state prison or any superintendent of such road work, having in charge the convicts employed upon such highways or state roads, may arrest without a warrant any person violating any provisions of this act.

Repealed

SEC. 8. All acts and parts of acts in conflict with the provisions of this act are hereby expressly repealed.

CHAPTER 317.

An act to appropriate money to reimburse the trustees of the California building, located at Balboa Park, county of San Diego, for money expended for the maintenance of said building.

[Approved June 11, 1923.]

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

Appropriation to reimburse G. W. Marston, T. O'Halleran and R. C. Allen.

SECTION 1. The sum of twelve hundred dollars is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to reimburse George W. Marston, Thomas O'Halleran and R. C. Allen, as trustees of the California building located at Balboa Park in the county of San Diego, for money expended by them as such trustees, in the maintenance of said building.

CHAPTER 318.

An act making an appropriation to pay the claim of George W. Howe against the State of California.

[Approved June 11, 1923.]

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

Appropriation: claim of G. W. Howe.

SECTION 1. The sum of nine hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of George W. Howe against the State of California.

CHAPTER 319.

An act to amend section seven hundred thirty-nine of the Political Code, relating to salaries of officers connected with the supreme court.

[Approved June 11, 1923.]

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

SECTION 1. Section seven hundred thirty-nine of the Political Code is hereby amended to read as follows:

739. The annual salaries of the officers connected with the supreme court are as follows: The reporter of the decisions of the supreme court and of the district courts of appeal, three thousand six hundred dollars; the assistant reporters of the decisions of the supreme court and of the district courts of appeal, not exceeding three in number, one at three thousand dollars, and two at one thousand eight hundred dollars each; two phonographic reporters, each three thousand dollars; two secretaries of the court, each three thousand dollars; each bailiff, two thousand four hundred dollars; the librarian, two thousand seven hundred dollars.

Salaries of officers connected with supreme court.

CHAPTER 320.

An act appropriating money to pay the judgment recovered by J. B. Curtin against the State of California, which judgment was recovered under the provisions of chapter eight hundred twenty-eight of the laws of 1921.

[Approved June 11, 1923.]

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

SECTION 1. The sum of eleven thousand nine hundred forty-seven dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the judgment recovered by J. B. Curtin against the State of California on the twentieth day of April, 1922, in action commenced and tried in the superior court of the State of California, in and for the county of Sacramento, in which action J. B. Curtin was plaintiff and the State of California was defendant and which action is numbered 27804 on the files of the said superior court and which action was authorized by chapter eight hundred twenty-eight of the laws of 1921.

Appropriation judgment in favor of J. B. Curtin.

SEC. 2. The state controller is hereby directed to draw his warrant on the state treasurer in favor of J. B. Curtin for said sum of eleven thousand nine hundred forty-seven dollars and said state treasurer is directed to pay the same.

CHAPTER 321.

An act to provide for the reforestation, constructing and maintaining of fire lanes and fire trails on the Angeles national forest, and to make an appropriation therefor.

[Approved June 11, 1923.]

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

SECTION 1. The sum of five thousand dollars, or so much thereof as may be necessary is hereby appropriated out of any money in the state treasury not otherwise appropriated which shall be used and expended for the purpose of preventing forest fires and to protect the timber and brush and other

Appropriation prevention of forest fires in San Bernardino mountains.

growth on the watersheds embraced within the San Bernardino mountains in the State of California.

Agreements
with U. S.
forest
service.

SEC. 2. The state board of control is hereby empowered to enter into a contract or contracts with the forest service of the United States government for the purpose of constructing and maintaining fire lanes and fire trails for the protection of the forest and brush specified in section one of this act; *provided, however*, that these expenditures shall not be in excess of the amount or amounts to be expended by the forest service of the federal government in collaboration with the specific work named above; *and provided, further*, that in case the forest service above mentioned does not contribute the fund for said cooperation, that the state board of control shall not have power to enter into such contract or contracts with the said forest service for the expenditure of the said money.

CHAPTER 322.

An act making an appropriation to pay the claim of E. A. Wheeler, against the State of California.

[Approved June 11, 1923.]

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

Appropriation: claim of E. A. Wheeler.

SECTION 1. The sum of one hundred sixty-four dollars and six cents is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of E. A. Wheeler against the State of California.

CHAPTER 323.

An act appropriating money to pay the claim of the Clark and Henery Construction Company against the State of California.

[Approved June 11, 1923.]

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

Appropriation: claim of Clark & Henery Constr. Co.

SECTION 1. The sum of six hundred forty-three dollars and forty-four cents is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of the Clark and Henery Construction Company against the State of California.

CHAPTER 324.

An act appropriating money to pay the claim of Hammond Weeks and Dagmar F. Weeks.

[Approved June 11, 1923.]

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

SECTION 1. The sum of five hundred ninety-six dollars and seventy-five cents is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of Hammond Weeks and Dagmar F. Weeks, against the State of California.

Appropriation: claim of Weeks & Weeks.

CHAPTER 325.

An act making an appropriation to pay the claim of director general of railroads, United States Railroad Administration, against the State of California upon a judgment under section three thousand six hundred sixty-nine a of the Political Code.

[Approved June 11, 1923.]

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

SECTION 1. The sum of fifteen thousand eight hundred fifty-four dollars and twenty-nine cents is hereby appropriated to pay to director general of railroads, United States Railroad Administration, the balance due on a final judgment against Friend W. Richardson as state treasurer of the State of California under the provisions of section three thousand six hundred sixty-nine a of the Political Code, in favor of Walker D. Hines, as director general of railroads, United States Railroad Administration, which judgment was recorded in the office of the clerk of the superior court of the city and county of San Francisco, State of California, on April 30, 1920, in volume 146 of judgments at page 120.

Appropriation: judgment in favor of director general of railroads.

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

CHAPTER 326.

An act making an appropriation to pay the claim of Southern Pacific Company, a corporation, against the State of California upon three judgments under section three thousand six hundred sixty-nine a of the Political Code.

[Approved June 11, 1923.]

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

SECTION 1. The sum of seventy thousand eight hundred forty-three dollars and fifty-five cents is hereby appropriated

Appropriation: judgment in favor of Southern Pacific Co.

out of any money in the state treasury not otherwise appropriated to pay the balance due on three certain judgments against Friend W. Richardson as state treasurer of the State of California under the provisions of section three thousand six hundred sixty-nine *a* of the Political Code, in favor of Southern Pacific Company, a corporation. Said judgments were by the superior court of the city and county of San Francisco and entered on May 24, 1918, in sums aggregating seventy thousand eight hundred forty-three dollars and fifty-five cents, said judgments having been affirmed by the supreme court of the State of California on September 24, 1919, by decision reported in 181 California, page 280.

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

CHAPTER 327.

An act to add a new section to the Political Code to be numbered four thousand two hundred thirty-five a, relating to county recorders of counties of the sixth class and the expenses of their offices.

[Approved June 13, 1923.]

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

SECTION 1. A new section is hereby added to the Political Code, to be numbered four thousand two hundred thirty-five *a*, and to read as follows:

Allowance
to recorder
for transcrib-
ing records.

4235*a*. In counties of the sixth class, the recorder shall be entitled to the actual cost incurred by him for the transcribing of all papers, documents and records in his office, not to exceed seven cents (7c) per folio for each paper or document so transcribed; *provided*, that said recorder shall file monthly, with the county auditor, sworn statements showing in detail the persons and the amounts paid to each for such transcribing.

Urgency
measure.

SEC. 2. This act is hereby declared to be an urgency measure within the meaning of section one of article four of the constitution of the State of California, and shall take effect immediately.

The following is a statement of facts constituting such urgency:

There now are in the possession and custody of recorders of the counties of the class hereinabove mentioned, a vast number of papers and documents constituting the sole evidence of ownership of, or interest in, real and personal property of great value, which papers and documents said recorders are unable to copy or transcribe at length into the proper books of record, except after prolonged and unusual delay; that the work of copying and transcribing said papers and documents is becoming constantly and daily

more congested and that the mass of uncopied and untranscribed papers and documents is steadily increasing, thereby entailing great risk of the mutilation, destruction, disappearance and loss of such papers and documents, and thereby jeopardizing the rights of owners of, or claimants to, such property, and of their evidence or proof of ownership of, or interest in, the same, to the extent that the entire basis and foundation of ownership of, or claim to, such real and personal property is rendered uncertain, unsafe, insecure and hazardous.

CHAPTER 328.

An act limiting the liability of supervisors, city trustees, city councils, boards of education and school trustees, and making counties, municipalities and school districts liable for the negligence of their respective officers in certain instances and providing for the payment of costs of actions in certain instances.

[Approved June 13, 1923.]

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

SECTION 1. No member of any board of supervisors, board of city trustees, city council, board of education, or board of school trustees, shall be liable for the negligent act or omission of any appointee or employee appointed or employed by him in his official capacity, whether such appointment or employment was made singly or in conjunction with other members of such board, except when the member or members of such board making such appointment or employment knew, or had notice that the person appointed or employed was inefficient and incompetent to perform or render the service or services for which he was appointed or employed, or retain such inefficient or incompetent person after knowledge or notice of such inefficiency or incompetency.

SEC. 2. Counties, municipalities and school districts shall be liable for injuries to persons and property resulting from the dangerous or defective condition of public streets, highways, buildings, grounds, works and property in all cases where the governing or managing board of such county, municipality, school district, or other board, officer or person having authority to remedy such condition, had knowledge or notice of the defective or dangerous condition of any such street, highway, building, grounds, works or property and failed or neglected, for a reasonable time after acquiring such knowledge or receiving such notice, to remedy such condition or failed and neglected for a reasonable time after acquiring such knowledge or receiving such notice to take such action as may be reasonably necessary to protect the public against such dangerous or defective condition.

SEC. 3. Whenever any action for damages resulting from injuries caused by or due to the inefficiency or incompetency

Limitation on liability of certain boards for negligence of employees

Public liability for negligence

Public liability for costs in certain actions.

of any appointee or employee of any such board or any member thereof, or resulting from negligence under the conditions mentioned in section two hereof, is brought against any member or members of any such board and such member or members against whom such action is brought had neither knowledge nor notice of the inefficiency or incompetency of such appointee or employee at the time of the injury, nor had neither knowledge nor notice as provided in section two hereof, the cost of defending such action, including such attorney fees as shall be actually expended in defending such action, shall be a charge against the county, city and county, city or school district of which such member was an officer.

CHAPTER 329.

An act to amend sections twenty, forty and forty-seven of an act entitled "An act to make uniform the law of warehouse receipts," approved March 19, 1909.

[Approved June 13, 1923.]

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

Stats. 1909,
p. 410,
amended

SECTION 1. Section twenty of an act entitled "An act to make uniform the law of warehouse receipts," approved March 19, 1909, as amended, is hereby amended to read as follows:

Liability for
nonexistence
or misde-
scription of
goods

Sec. 20. A warehouseman shall be liable to the holder of a receipt, issued by him or on his behalf by an agent or employee the scope of whose actual or apparent authority includes the issuing of warehouse receipts, for damages caused by the nonexistence of the goods or by the failure of the goods to correspond with the description thereof in the receipt at the time of its issue. If, however, the goods are described in a receipt merely by a statement of marks or labels upon them, or upon packages containing them, or by a statement that the goods are said to be goods of a certain kind, or that the packages containing the goods are said to contain goods of a certain kind, or by words of like purpose, such statements, if true, shall not make liable the warehouseman issuing the receipt, although the goods are not of the kind which the marks or labels upon them indicate, or of the kind they were said to be by the depositor.

Stats. 1909,
p. 414,
amended.

Sec. 2. Section forty of said act, approved March 19, 1909, as amended, is hereby amended to read as follows:

Who may
negotiate
a receipt.

Sec. 40. A negotiable receipt may be negotiated by any person in possession of the same, however such possession may have been acquired if, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the order of such person or if at the time of negotiation the receipt is in such form that it may be negotiated by delivery.

Stats. 1909,
p. 416,
amended

Sec. 3. Section forty-seven of said act, approved March 19, 1909, as amended, is hereby amended to read as follows:

Sec. 47. The validity of the negotiation of a receipt is not impaired by the fact that such negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the receipt was deprived of the possession of the same by loss, theft, fraud, accident, mistake, duress, or conversion, if the person to whom the receipt was negotiated, or the person to whom the receipt was subsequently negotiated, paid value therefor in good faith without notice of the breach of duty, or loss, theft, fraud, accident, mistake, duress or conversion.

When negotiation not impaired by fraud, mistake, duress, etc.

CHAPTER 330.

An act to provide for the leasing by the State of California of salt marsh and tide lands adjoining salt marsh and tide lands sold pursuant to an act approved April 1, 1870, entitled "An act supplementary to and amendatory of an act entitled an act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight," and lying between the boundary line of the lands so sold pursuant to said act and the line of mean low tide of the stream upon which said lands to be leased border.

[Approved June 12, 1923.]

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

SECTION 1. Any person owning in fee any lands in this state sold as salt marsh or tide lands under and pursuant to an act of the legislature of the State of California, approved April 1, 1870, entitled "An act supplementary to and amendatory of an act entitled an act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight," may make written application to the surveyor general of this state to lease any adjoining salt marsh or tide lands owned by the state, lying between the boundary of the lands owned by said person and the line of mean low tide of the stream upon which said lands sought to be leased border. Said application shall be verified by the applicant, or, if it be a corporation, by an officer thereof, and shall set forth the name and address of the applicant, a description by official subdivision or lot number according to the map thereof prepared pursuant to said act approved April 1, 1870, or by metes and bounds, of such salt marsh or tide lands owned by the applicant, the ownership in fee of said lands by the applicant, a reference to the source of the applicant's title thereto, a description by metes and bounds or according to the said map prepared pursuant to said act approved April 1, 1870, of the lands adjacent thereto which the applicant desires to lease, and a statement of the term (which shall not exceed thirty-five years from the date of the lease) for which a lease is desired by the applicant. The application must be accompanied by a filing fee of five dollars.

Lease of certain state lands by owners of adjoining lands.

Application.

Fee.

Survey to be made where description insufficient.

SEC. 2. If, upon an examination of the description of the lands sought to be leased, contained in said application, it should appear to the surveyor general that said description is insufficient, he shall direct the county surveyor of the county in which such lands are situated to survey the land sought to be leased. The county surveyor shall thereupon make an actual survey of the land, at the expense of the applicant, under the instructions of the surveyor general, within thirty days from receipt of said instructions and shall file with the surveyor general a copy of his field notes and plat of survey, within thirty days from date of completion of survey. If the county surveyor fails to make the survey as herein provided, the surveyor general shall immediately authorize another person to make the survey at the expense of the applicant, and said survey shall be made and completed, and a copy of the field notes and plat of the survey filed with the surveyor general within sixty days after date of said authorization.

Restrictions on leasing.

SEC. 3. No lands shall be leased under this act except such lands as lie adjacent to the lands surveyed and sold as salt marsh or tide lands already owned by the applicant and together with such lands constitute a united tract or area, nor shall more than five hundred acres of such lands be leased to any person at any time.

Surveyor general to pass on applications

SEC. 4. All applications to lease lands under the provisions of this act shall be approved or rejected by the surveyor general within ninety days after the receipt thereof.

Annual rental.

SEC. 5. Upon receipt of an application to lease any of the lands under this act the surveyor general shall appraise such lands and fix the annual rental per acre therefor; such charge to be approved by the state board of control.

Payment of rent.

SEC. 6. Whenever any lease is delivered to the applicant by the surveyor general the lessee shall within fifteen days thereafter, execute and return such lease to the surveyor general and make payment of the first annual rental. The surveyor general shall receive the money and give a receipt therefor. All subsequent annual payments of rental must be paid to the surveyor general in like manner within fifteen days after they become due. In case payments are not made as herein provided, the lease and all rights thereunder shall cease and terminate at the option of the state, as hereinafter provided.

Rights of way over leased lands

SEC. 7. All leases made under the authority of this act shall contain a reservation to the state of a right to locate rights of way for public purposes across such leased lands, subject only to the requirements that the rights of way shall be located in such manner as to cause the least injury to the leased lands across which the same may be located, and that any damage suffered by the lessee of such lands shall be compensated by the lessee of the lands for whose benefit the right of way is required.

Provisions of leases.

SEC. 8. Each such lease shall by its terms provide that (a) the lessee or his or its successors shall pay annually in advance, as rental, to the surveyor general for the general

fund, the amount per acre fixed by the surveyor general as above provided, for the area of salt marsh or tide lands leased thereby, the first of such payments to be made not more than fifteen days after the delivery of such lease, and the other installments of rental to be payable annually during the continuance in force of such lease, upon or before the expiration of each successive year from and after its date; (b) if any such annual installment of rental is not paid within fifteen days after the same has become due and payable, the state, acting through the surveyor general, may, at its option, by written notice addressed to the lessee and delivered at his or its address as set forth in the application (or, if the lessee or its successors shall have specified another address by a notice filed with the surveyor general, then at such other address) cancel such lease and terminate all future rights thereunder of the lessee and his or its successors; (c) said lease shall be canceled and all future rights of the lessee thereunder shall terminate if and when the State of California shall construct upon said leased lands any canal or basin located and established thereon pursuant to the aforesaid act approved April first, eighteen hundred and seventy, and exhibited on the official map prepared pursuant to said act.

SEC. 9. The surveyor general is hereby authorized to prepare, make, execute and deliver all papers, instruments and documents, and to do any and all things necessary to carry out the provisions of this act.

Duties of
surveyor
general.

CHAPTER 331.

An act to amend section one thousand five hundred nineteen a of the Political Code, relative to the powers and duties of the state board of education.

[Approved June 13, 1923.]

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

SECTION 1. Section one thousand five hundred nineteen a of the Political Code is hereby amended to read as follows:

1519a. The state board of education shall have power and it shall be its duty:

Powers and
duties of
board.

First—To prescribe by general regulations established in accordance with law the qualifications upon which county, and city and county boards of education may grant certificates:

Qualifica-
tions for
certificat-
es.

(a) To teach in junior colleges, senior high schools, four year high schools, junior high schools, elementary schools, and kindergartens.

(b) To supervise instruction and to administer schools as supervisors, principals, and superintendents.

(c) To act as school librarians.

(d) To act as school attendance officers.

(e) To supervise the health and development of pupils.

Credentiahs.

Second—To authorize and to issue credentials upon which county boards of education may grant the certificates enumerated above. Each credential so granted must clearly state the kind of service that it authorizes, the grades or classes, or the types of schools, in which it authorizes such service, and, if a teachers credential, the subjects it authorizes the holder to teach. It must also contain its date of expiration and must be issued on a form prescribed by the state board of education and signed by the superintendent of public instruction.

Minimum
general
standards.

Third—The minimum general standard for each type of credential shall be as follows:

(a) For the general secondary school credential, five years of university or college, or of university, college, and normal school education of present day standard, including a baccalaureate degree and the professional training prescribed by the state board of education; or equivalent qualifications.

(b) For the general junior high school credential, four years of such collegiate training, including the prescribed professional training; or equivalent qualifications.

(c) For the general elementary credential, the same number of years of collegiate training required at the time for graduation from a California state teachers college, including the professional training prescribed by the state board of education.

(d) For the kindergarten primary credential, the same number of years of collegiate training required at the time for graduation from a California state teachers college, including the professional training prescribed by the state board of education.

(e) For the special secondary credential; as high a general standard for each of the different subjects as conditions at the time will warrant; *provided*, that no qualification shall be prescribed for certification to teach in any grade whatever a vocational subject unless the candidate shall have had, as a minimum, three years' experience as a journeyman, or, where this terminology does not apply, its equivalent, in the vocation in which he desires certification.

(f) For the special elementary credential, the general standard shall be as high as that prescribed for the general elementary credential.

(g) For instruction supervisor's credential, a teacher's certificate authorizing the holder to teach in the public schools in which he desires to supervise instruction and such other special and professional requirements as may be prescribed by the state board of education.

(h) For the administrator's credential: first, a teachers' certificate authorizing the holder to teach in the public schools of this state; second, a minimum of not less than two years of experience as a teacher, supervisor, or school administrator, as prescribed by the state board of education; third, such evidence of special training and study as will satisfy the

board as to his fitness to perform the service he desires to qualify for.

(i) For librarians, the same standards as applied to other special credentials of like grade.

(j) For attendance officers, the qualifications of an elementary school teacher or an equivalent in schooling, social, practical, and teaching experience, including the special professional training required by the state board of education.

(k) For the supervision of the health and development of pupils, as provided in the health and development act.

Fourth—To provide for the examination of any person (except an applicant for an elementary certificate) who appears to have schooling and experience which may qualify him for the credential which he desires to secure; and to prescribe general regulations and general standards governing examinations for the elementary certificate by county boards of education. Applicants without qualifications.

Fifth—To grant life diplomas authorizing the holders to serve for life in the public schools in the capacities specified in said diplomas. The service specified in each life diploma granted shall be that specified in a legal county certificate issued to the candidate at least one year prior to the granting of the life diploma. Life diplomas.

Each candidate for a life diploma must submit over his oath a complete application on a form provided by the state board of education. This application must be accompanied by a recommendation from a county board of education to the effect that the teacher has successfully taught in the county for a period of not less than one school year, and that said candidate is a fit person to possess a life diploma. Said recommendation must be based upon a resolution of the county board approved by at least three-fourths of its members.

Only such candidates are eligible as have had at least forty-eight months of teaching experience, at least twenty-one of which shall have been in the public schools of California or in schools maintained for minors by publicly controlled California institutions.

Sixth—Each application for any credential or document other than a life diploma, if made by a person who has resided in the State of California for the twelve months next preceding the date of application, shall be accompanied by a fee of three dollars, and each such application from a person other than one having resided within the State of California for the twelve months next preceding the date of application shall submit a fee of five dollars; and in addition thereto each such applicant permitted to take an examination under the state board of education under the provisions of subdivision fourth of this section shall, before he is so permitted, pay a fee of ten dollars. The application of each person for a life diploma must be accompanied by a fee of five dollars. Application fees.

All of the above fees must be paid into the state treasury and are hereby appropriated to the contingent fund of the state board of education, to be applied by said board in defraying or in partially defraying the expense of investigating the qualifications of candidates, issuing credentials, documents, or diplomas, and providing for the employment of professional experts to conduct examinations for special credentials and high school credentials, as specified in subdivisions second and fourth of this section.

Revocation
or suspension
of
diploma, etc.

Seventh—To revoke or suspend for immoral or unprofessional conduct, or for persistent defiance of, and refusal to obey, the laws regulating the duties of teachers, or for evident unfitness for teaching, life diplomas, documents issued under the provisions of sections one thousand five hundred three and one thousand seven hundred seventy-five of this code, or credentials issued in accordance with the provisions of this section; and to adopt such rules for said revocation as they may deem expedient or necessary.

Whenever the holder of any life diploma or other teachers' credential or document issued by the state board of education in accordance with law is charged with immoral or unprofessional conduct or evident unfitness for teaching or persistent defiance of, and refusal to obey, the laws regulating the duties of teachers, the state board of education in its discretion after notifying the teacher so charged of its intention so to do, may require the county board of education of the county in which such teacher is teaching or has last taught, to give notice of, and conduct, a hearing of such charges in the manner prescribed by law for the hearing of charges for the revocation or suspension of a teacher's certificate by a county board of education. The county board of education, after such hearing, shall report to the state board of education its findings and a summary of the evidence and shall make a definite recommendation concerning the revocation or suspension of such life diploma or other teachers' credential or document. Upon receipt of a copy of such findings, summary of evidence and recommendation, the state board of education may suspend or revoke such life diploma or other teachers' credential or document for the causes hereinbefore stated, or order the charges dismissed.

Commission
of creden-
tials.

Eighth—The state board of education is hereby authorized to create a commission of credentials, to consist of the superintendent of public instruction, the commissioner of elementary schools, the commissioner of secondary schools, and the commissioner of industrial and vocational education. This commission, when directed by the board, shall have authority to review the cases of applicants for credentials and life diplomas and when said commission is satisfied that any candidate fully meets the standard maintained by the state board it may issue the proper documents: *provided*, that said documents must be issued upon the regular forms used by the state board of education and must bear the signatures of the secretary and the president of said board.

The state board is authorized to assign to the commission of credentials such other duties relating to life diplomas, certificates, certification, and accrediting of institutions for purposes of certification, as it may see fit.

Ninth—The state board of education shall have power and it shall be its duty to provide for the organization and supervision of courses in physical education in the public schools of this state.

Physical
education.

CHAPTER 332.

An act to add a new section to the Political Code, to be numbered section three hundred sixty-two f, relating to the powers of the state department of education.

[Approved June 13, 1923.]

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

SECTION 1. A new section to be numbered three hundred and sixty-two f is hereby added to the Political Code, to read as follows:

362f. With the approval of the board of control the state department of education shall have power to fix the price for the sale of any bulletin or publication of said department or any institution thereof. When the department fixes the price of any publication, it shall specify the class of persons or institutions that may receive copies of the same free of charge. All moneys received from the sale of publications shall be deposited in the state treasury to the credit of the fund against which the cost of printing such publication was charged. Any county, or any school district in this state may purchase such publications from the state department of education.

Sale of
official
publications.

CHAPTER 333.

An act to amend sections six, eight, eleven, twelve, thirteen, fourteen and seventeen of an act entitled "An act to provide for the payment of retirement salaries to public school teachers of this state; creating a public school teachers' retirement salary fund, and also a public school teachers' permanent fund, providing for the administration of such funds, and making an appropriation for the uses of said funds;" approved June 16, 1913, as amended, referring to teachers' retirement salaries.

[Approved June 13, 1923.]

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

SECTION 1. Section six of an act entitled "An act to provide for the payment of retirement salaries to public school teachers of this state; creating a public school teachers' retirement salary fund, and also a public school teachers' permanent

Stats 1913,
p. 1424,
amended.

fund, providing for the administration of such funds, and making an appropriation for the uses of said funds," approved June 16, 1913, as amended, is hereby amended so as to read as follows:

Eligibility
to receive
benefits

Sec. 6. No person shall, except as hereinafter otherwise provided, be eligible to receive the benefits of this act, who shall not have paid into said public school teachers' permanent fund, or partly into said fund and partly into the public school teachers' annuity and retirement fund, maintained under the act of the legislature of the State of California, approved March 26, 1895, and acts amendatory thereof, an amount equal to twelve dollars for each year of service up to and including the thirtieth year; *provided, however*, that the difference between the amounts actually paid by such teacher and the amount that would have been paid by such teacher at the rates hereinbefore provided if such payments had been begun with the first year of teaching service and continued regularly thereafter, not exceeding three hundred and sixty dollars, may be paid into said fund by such teacher at the time of retirement, with the same effect as if such payments had been begun with the first year of teaching service and continued regularly thereafter at the rates hereinbefore provided for; or, the sum of sixty dollars per quarter may be withheld from such teachers' retirement salary if retirement is under section thirteen of this act, or forty dollars per quarter if retirement is under section fourteen of this act, until the amount so withheld shall equal the difference between the amount that would have been paid by the teacher at the rates hereinbefore provided, if such payments had been begun with the first year of teaching service and continued regularly thereafter, and the amount theretofore paid into said permanent fund, or partly into said last mentioned fund and partly into said public school teachers' annuity and retirement fund; *provided*, that the total amount shall not exceed three hundred and sixty dollars except as otherwise provided in section seventeen of this act.

Stats 1913,
p. 1424,
amended.
Powers
and duties.

Sec. 2. Section eight of said act, approved June 16, 1913, as amended, is hereby amended so as to read as follows:

Sec. 8. The public school teachers' retirement salary fund board, subject to the provisions of this act, shall have power, and it shall be its duty:

(1) To approve and allow retirement salaries of public school teachers entitled to the same under the provisions of this act;

(2) Through its president or other officer designated by it for that purpose, to audit all claims and demands for money expended or authorized to be expended by it, and certify all claims and demands against the public school teachers' permanent fund and the public school teachers' retirement salary fund, including all retirement salary demands, to the state controller, who shall draw his warrant therefor upon the state treasurer, payable out of said fund; *provided*, that no demand shall be allowed except after resolution duly passed at a meet-

ing of the board by a majority of its members, which adoptions shall be attested by the secretary;

(3) To require the boards of education, school trustees and other public authorities, and all officers having duties to perform in respect to the contributions by teachers to said permanent fund, to report to the board from time to time as to such matters pertaining to the payment of such contributions, as it may deem advisable;

(4) To invest the moneys in the permanent fund in securities and to collect the income therefrom and interest and dividends thereon; to deposit such securities with the state treasurer, and to make sale of such securities when, in its judgment, such sale will be advisable; *provided*, that none of the moneys in the public school teachers' permanent fund shall be invested in any securities except such securities as those in which the funds of savings banks may be legally invested. The state controller is authorized to draw his warrant upon the public school teachers' permanent fund in payment of duly audited claims arising out of the investment of the moneys in said fund;

(5) To employ such expert and clerical assistance and purchase such supplies and equipment as may be necessary for the administration of this act and pay the same out of the teachers' permanent fund; *provided*, that the amount expended for this purpose shall not exceed two per cent of the total income for any fiscal year;

(6) To prescribe the duties of the secretary and other officers of the board;

(7) To conduct investigations in all matters relating to the operation of this act, and to subpoena witnesses and compel their attendance to testify before it in respect to such matters.

SEC. 3. Section eleven of said act approved June 16, 1913, as amended, is hereby amended so as to read as follows:

Stats. 1913,
p. 1426,
amended.

Sec. 11. In addition to the powers hereinabove enumerated said board shall make and enforce all necessary and proper rules and regulations for the method or methods of applying for and obtaining retirement salaries provided for in this act, and for the method or methods of determining the right of each applicant to such retirement salary; *provided, however*, that in all cases legal proof of all necessary facts shall be required and kept on file. Said board shall have power, subject to such legislation as may be adopted hereafter, to define the minimum school year and the average school day and to adopt rules and regulations concerning the acceptance of part-time teaching or supervision toward the time required to obtain a retirement salary.

Rules gov-
erning appli-
cation for
retirement
salaries.

SEC. 4. Section twelve of said act approved June 16, 1913, as amended, is hereby amended so as to read as follows:

Stats 1913,
p. 1426,
amended.

Sec. 12. The secretary of the board shall report to the board at each quarterly meeting the amount necessary to pay the retirement salaries for the preceding quarter, and thereupon the said board shall notify the state controller and by resolution, duly adopted, shall direct him to make transfer of

Quarterly
transfer of
fund, to pay
salaries.

the needed amount from the public school teachers' permanent fund to the public school teachers' retirement salary fund. It shall be the duty of the state controller thereupon to make such transfer and to notify the state treasurer in order that he may make corresponding entry in the records of his office. When claims for payment of retirement salaries have been duly audited under the provisions of this act the controller shall draw his warrant therefor upon the said public school teachers' retirement salary fund.

Stats 1913,
p. 1426,
amended.

Who entitled
to retirement
salary.

Amount.

Teachers
heretofore
retired.

SEC. 5. Section thirteen of said act approved June 16, 1913, as amended, is hereby amended so as to read as follows:

SEC. 13. Every public school teacher who shall have complied with all the requirements of this act, and who shall have served under a legal certificate as a legally qualified teacher in public day or evening schools, or partly as such teacher and partly as superintendent or supervising executive or educational administrator, for at least thirty school years, at least fifteen of which shall have been in the public schools of this state, including the last ten years of service immediately preceding retirement, shall be entitled to retire; or if physically or mentally incapacitated for the proper performance of the duties of teacher, may be compelled to retire by the board of education, school trustees or other school authorities employing such teacher. Upon retirement, voluntary or involuntary, such teacher shall be entitled to receive, during life, an annual retirement salary of five hundred dollars, payable in installments quarterly by warrant drawn as provided in section eight of this act; *provided*, that such retirement salary shall in no case begin to accrue until the date when formal application for the same is received in the office of the public school teachers' retirement salary fund board; *and provided, further*, that application for such salary be made within two years after the last month of service, except in cases where at the time the right to the retirement salary accrues such teacher has been absent two years or more from service, on leave duly granted by the board of education, board of trustees or other public school authorities employing such teacher. In such cases, the application may be made at any time during the said leave of absence. The last ten years of service in this state immediately preceding retirement may be broken by periods of non-teaching, or by periods of teaching in universities, colleges, or private schools within this state, or by teaching outside of this state during a year when the teacher has met the minimum requirement for a year of teaching in this state. Teaching outside of the United States of America and its territories shall not be accepted for purposes of retirement under the provisions of this act. All teachers heretofore retired after thirty years of service, under the provisions of the act of the legislature of the State of California, approved March 26, 1895, entitled "An act to create and administer a public school teachers' annuity and retirement fund in the several counties and cities and counties in the state," and acts amendatory thereof, shall be entitled to an annual retirement salary of

five hundred dollars, payable in installments quarterly by warrants drawn as provided in section eight of this act.

SEC. 6. Section fourteen of said act approved June 16, 1913, as amended, is hereby amended so as to read as follows: Stats. 1913, p. 1437, amended.

SEC. 14. Any public school teacher who shall have complied with all the requirements of this act, and who shall have served for at least fifteen years under a legal certificate as a legally qualified teacher in public day or evening schools of this state, or partly as such teacher and partly as superintendent or supervising executive or educational administrator, for at least fifteen years in the public schools of this state, including the last ten years of service immediately preceding retirement, and who shall have by reason of bodily or mental infirmity become physically or mentally incapacitated for further school service, shall be entitled to retire, or may, by the board of education, school trustees or other school authorities employing such teacher, be compelled to retire. Upon retirement, voluntary or involuntary, such teacher shall be entitled to receive during the period of such disability, an annual retirement salary, payable in installments quarterly by warrant drawn as provided in section eight of this act, which shall be the same fraction of the maximum retirement salary of five hundred dollars as said teacher's time of service in the public schools of this state is of thirty years; *provided*, that such retirement salary shall in no case begin to accrue until the date when formal application for the same is received in the office of the public school teachers' retirement salary fund board; *and provided, further*, that application for such salary be made within two years after the last month of service. The last ten years of service in this state immediately preceding retirement may be broken by periods of non-teaching, or by periods of teaching in universities, colleges, or private schools within this state, or by teaching outside of this state during a year when the teacher has met the minimum requirement for a year of teaching in this state. Teaching outside of the United States of America and its territories shall not be accepted for purposes of retirement under the provisions of this act. Each teacher who, by reason of incapacity due to bodily or mental infirmity, shall have retired under the aforesaid act, approved March 26, 1895, and acts amendatory thereof, after fifteen years' service, shall receive upon the taking effect of this act and during the period of disability, an annual retirement salary which shall be the same fraction of the maximum retirement salary of five hundred dollars, as said teacher's time of service is of thirty years. Incapacitated teacher may receive retirement salary.

SEC. 7. Section seventeen of said act, approved June 16, 1913, as amended, is hereby amended so as to read as follows: Stats. 1913, p. 1428, amended.

SEC. 17. This act shall be binding upon all such teachers employed in the public schools of this state at the time of the approval of this act, as shall, on or before January 1, 1914, sign and deliver to the superintendent of public instruction and the superintendent of public schools of the city, county or Teachers bound by act.

Payments
by others
upon applica-
tion for
retirement.

consolidated city and county in which said teachers are in service, a notification that said teachers agree to be bound by and to avail themselves of the benefits of this act; *provided*, that any teacher employed in the public schools of this state at the time of the approval of the public school teachers' retirement salary act on June 16, 1913, who did not on or before January 1, 1914, sign and deliver such notification, and who claims exemption from the provisions of said act shall prove to the satisfaction of the public school teachers' retirement salary fund board on or before July 1, 1924, that he is entitled to exemption from the provisions of this act, and upon failure to prove claim of exemption as hereinbefore provided any such person shall be subject to burdens and benefits of this act; *provided, further*, that any teacher who claims exemption from the provisions of this act and later applies for retirement under this act shall be required to pay in addition to twelve dollars for each year of service performed after January 1, 1914, an amount equal to five per cent interest per annum on the twelve dollars for each year of such service, beginning with the date upon which the final payment of each year would have been due if the teacher had not claimed exemption, and the payment of such dues and interest may be made at any time before retirement, or, if not made before retirement may be made at the time of retirement, or may be withheld from the retirement salary after the manner provided in section six of this act; *provided, further*, that any teacher applying for retirement under this act offering service outside of this state, performed after January 1, 1914, shall be required to pay in addition to twelve dollars for each year of such service, an amount equal to five per cent interest per annum on the twelve dollars for each year of such service, beginning with the date upon which the final payment of each year would have been due had the teaching been done in this state, and the payment of such dues and interest may be made at any time before retirement, or, if not made before retirement may be made at the time of retirement, or may be withheld from the retirement salary after the manner provided in section six of this act. All teachers who had been out of the public school service of this state on August 10, 1913, for two years or more, not being on leave of absence, and were therefore not eligible to apply for retirement without further teaching, shall, if they return to the teaching service in this state and seek to qualify for retirement, be required to teach at least two years in order to establish their status as teachers subject to the provisions of this act.

CHAPTER 334.

An act to amend section fifteen of an act entitled "An act to provide for the payment of retirement salaries to public school teachers of this state; creating a public school teachers' retirement fund, and also a public school teachers'

permanent fund, providing for the administration of such funds, and making an appropriation for the uses of said funds," approved June 16, 1913, as amended, and repealing an act entitled "An act to add a new section to the Political Code, to be numbered one thousand five hundred twenty-seven a, relating to retirement salaries of teachers employed in state schools and state institutions," approved June 1, 1921, and repealing an act entitled "An act to provide for teachers employed by the California Polytechnic, the Whittier State School, the California School for Girls, the Preston School of Industry, and the California School for the Deaf and Blind holding valid certificates in this state being made subject to the burdens and entitling them to all the benefits of an act entitled 'An act to provide for the payment of retirement salaries to public school teachers; creating a public school teachers' retirement salary fund, and also a public school teachers' permanent fund; providing for the administration of such funds, and making an appropriation for the uses of said funds,' approved June 16, 1913," approved May 3, 1919, relating to retirement salaries of teachers employed by state schools, state institutions, and the state board of education.

[Approved June 13, 1923.]

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

SECTION 1. Section fifteen of an act entitled "An act to provide for the payment of retirement salaries to public school teachers of this state; creating a public school teachers' retirement fund, and also a public school teachers' permanent fund, providing for the administration of such funds, and making an appropriation for the uses of said funds," approved June 16, 1913, as amended, is hereby amended so as to read as follows:

Sec. 15. Service of a teacher, with or without a certificate in a state teachers college, or service of a teacher employed by the California Polytechnic School in the county of San Luis Obispo, the California School for Girls, the California School for the Deaf, the California School for the Blind, the Preston School of Industry, the Sonoma State Home, Pacific Colony, the Whittier State School, or the state board of education, who holds a valid teachers' certificate or a California state teachers' credential when this amendment goes into effect or who may thereafter secure a teachers' certificate valid in this state or a California state teachers' credential, shall be equivalent to service as a teacher under legal certificate in a day or evening school, and the time of said service shall be reckoned in determining the right to retirement salaries under the provisions of sections thirteen and fourteen of this act; *provided*, that no service after January 1, 1924, shall be so reckoned unless the teacher offering such service shall be the holder of a valid teachers' certificate or a California state teachers' credential during such service; and the contributions of said

Stats 1919,
p. 500,
amended.

Service in
teachers
colleges, etc.

teachers shall be collected and paid into the treasury of the state in the same manner as in the several state teachers colleges.

Stats. 1921,
p. 814,
repealed.

SEC. 2. An act entitled "An act to add a new section to the Political Code to be numbered one thousand five hundred twenty-seven *a*, relating to retirement salaries of teachers employed in state schools and state institutions," approved June 1, 1921, is hereby repealed.

Stats. 1919,
p. 151,
amended.

SEC. 3. An act entitled "An act to provide for teachers employed by the California Polytechnic, the Whittier State School, the California School for Girls, the Preston School of Industry, and the California School for the Deaf and Blind holding valid certificates in this state being made subject to the burdens and entitling them to all the benefits of an act entitled 'An act to provide for the payment of retirement salaries to public school teachers; creating a public school teachers' retirement salary fund, and also a public school teachers' permanent fund; providing for the administration of such funds, and making an appropriation for the uses of said funds,' approved June 16, 1913," approved May 3, 1919, is hereby repealed.

CHAPTER 335.

An act to amend section sixteen of an act entitled "An act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a state board of forestry and certain officers, subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this act, and making an appropriation therefor," approved March 18, 1905, as amended.

[Approved June 13, 1923.]

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

Stats. 1905,
p. 239,
amend.d.

SECTION 1. Section sixteen of an act entitled, "An act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a state board of forestry and certain officers, subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this act, and making an appropriation therefor," approved March 18, 1905, as amended, is hereby amended to read as follows:

Restriction
of use of
fire in dry
season.

Sec. 16. It shall be unlawful between May fifteenth and October thirty-first, for any person or persons to burn brush, stumps, logs, fallen timber, fallows, slash, or grass brush or forest covered land or any other inflammable material or to

blast with dynamite, powder or other explosives, or set off fireworks of any kind in forest, fallows, grass or brush covered land, either their own or the property of another, unless done under a written permit from the state forester or his duly authorized agent, and in strict accordance with the terms of the permit; these restrictions not to apply to the ordinary use of fire or blasts in logging in the redwood region (*sequoia sempervirens*.) *Provided, however,* that no written permission shall be necessary to burn inflammable material in small heaps or piles, where the fire is set on a public road, in door yard premises, corrals, gardens, or plowed fields, at a distance not less than 100 feet from any woodland, timber, or brush covered land or field containing dry grass or other inflammable material. Any violation of this section is punishable by a fine of not less than fifty dollars or more than five hundred dollars or imprisonment for not less than thirty days nor more than six months in the county jail of the county in which the crime is committed, or both such fine and imprisonment.

CHAPTER 336.

An act to amend section one thousand five hundred seventy-seven of the Political Code, relating to new school districts and change of boundaries of school districts.

[Approved June 13, 1923.]

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

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

1577. *First*—No new school district shall be formed at any other time than between the first day of October and the tenth day of February, nor at that time unless the parents or guardians of at least fifteen children between the ages of five and seventeen years as shown by the petition, residents of such proposed new district and residing at a greater distance than five miles by a state or county traveled road and from the public schoolhouse in the district in which such parents or guardians reside, present a petition to the superintendent of schools, setting forth the boundaries of the new district asked for: *provided,* that when any smaller number of children between the ages of five and seventeen years reside at a distance of seven miles or more by a state or county traveled road or five miles or more where there is no state or county traveled road from a public school, or where such children are unable to attend the public school for reasons that are deemed good and sufficient by the superintendent of schools of the county or city and county in which such children reside, the parents or guardians of such children may present a petition to the superintendent of schools for the formation of a new school district, setting forth the boundaries thereof; or the superintendent of schools may provide an extra teacher for.

Formation
of school
district.
Petition for

or may provide transportation for such children to the public school. The salaries of such teachers and the cost of such transportation shall be paid out of the county unapportioned fund; *provided*, that the provisions requiring that the petitioners shall reside a distance of more than five miles by a state or county traveled road from said public schoolhouse may be dispensed with when the petition shall be signed by parents or guardians of fifty or more children between the ages of five and seventeen years, residents of a district or districts containing more than two hundred children in average daily attendance in the elementary schools of said district or districts as shown by the report of the teacher or principal of said school or schools on file in the office of the county superintendent of schools for the school year immediately preceding; but no city or incorporated town shall be divided into separate school districts under the provisions of this act.

Change of
boundaries.

Second—The boundaries of a school district, except as provided in section one thousand five hundred fifty-one of the Political Code, shall be changed only between the first day of October and the tenth day of February in any year, and then only when at least ten heads of families, who are American citizens or who are eligible to American citizenship, residing in the districts affected by the proposed change of boundaries shall present to the superintendent of schools a petition setting forth the changes of boundaries desired, and the reasons for the same; *provided*, that two or more elementary school districts lying contiguous may at any time be united to constitute but one district, whenever a petition signed by a majority of the heads of families residing in each of said districts shall be presented to the superintendent of schools. Said petition shall be acted upon in the same manner as is done in case of the formation of new school districts; *provided, further*, that when the school house in any school district is within three miles by traveled road from the school house in an adjoining school district, the board of supervisors may upon recommendation of the superintendent of schools and the supervisor or supervisors in whose district or districts the school districts are located, unite the school districts to constitute one school district.

Formation
of joint
districts.

Third—Joint districts (that is, districts lying partly in one county and partly in another) may be formed at any time between the first day of October and the tenth day of February in any year, whenever a petition signed by the parents or guardians of at least fifteen children between the ages of five and seventeen years as shown by the petition, residents of such proposed joint district and residing at a greater distance than five miles by a state or county traveled road from any public schoolhouse, shall be presented to the superintendent of schools of each county affected by the proposed formation of the joint district; *and provided, further*, that the provisions requiring that the petitioners shall reside a distance of more than five miles by a state or county traveled road from a public schoolhouse may be dispensed with when the petition shall be signed

by the parents or guardians of fifty or more children between the ages of five and seventeen years as shown by the petition, residents of school district or districts containing an average daily attendance of two hundred or more in the elementary schools of said district or districts as shown by the reports on file in the office of the superintendent of schools for the school year immediately preceding. All the provisions relative to the formation of joint districts shall be by concurrent action of the superintendent and the board of supervisors of each county affected; *still further provided*, that by concurrent action of the boards of supervisors and the county school superintendents, contiguous school districts or parts of such school districts lying in different counties may, on proper petitions as above required, be united to form a joint school district, and the school property within the territory thus united shall become the property of the newly formed joint school district.

Fourth—The children residing in any newly formed district, in any district whose boundaries have been changed, or in any joint district, shall be permitted to attend the school in the district or districts from which the newly formed district was constituted until the first day of July next succeeding the formation or change. Children of new districts.

Fifth—Whenever a district shall be united with a municipality or with another district, all funds belonging to said district shall be transferred, by requisition of the superintendent of the county upon the county auditor, to the municipality or district with which said district is united. Transfer of funds.

CHAPTER 337.

An act to amend section one of an act entitled "An act to be known as the 'inheritance tax act,' to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this act and by any act hereby repealed and for suits to quiet title against claims of liens arising hereunder, or under an act hereby repealed; and to repeal chapter five hundred eighty-nine of the laws of the session of the legislature of California of 1917, approved May 23, 1917, known as the 'inheritance tax act,' and to repeal all acts and parts of acts in conflict with this act," approved June 3, 1921; and relating to the taking effect of this act.

[Approved June 13, 1923.]

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

SECTION 1. Section one of an act entitled "An act to be known as the inheritance tax act, to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection and to direct the disposition of its proceeds; to provide for the enforcement of liens Stats. 1921, p. 1700, amended.

created by this act and by any act hereby repealed and for suits to quiet title against claims of liens arising hereunder, or under an act hereby repealed; and to repeal chapter five hundred eighty-nine of the laws of the session of the legislature of California of 1917, approved May 23, 1917, known as the 'inheritance tax act,' and to repeal all acts and parts of acts in conflict with this act," approved June 3, 1921, is hereby amended to read as follows:

Title.

Section 1. (1) This act shall be known as the "inheritance tax act."

"Estate"
and
"property."

(2) The words "estate" and "property" as used in this act shall be taken to mean the real and personal property or interest therein of the testator, intestate, grantor, bargainor, vendor, or donor passing or transferred to individual legatees, devisees, heirs, next of kin, grantees, donees, vendees, or successors, and shall include all personal property within or without the state or subject to the jurisdiction thereof; *provided*, that for the purpose of this act upon the death of the husband one-half of the community property is taxable under the provisions of this act; *provided, further*, the one-half of the community property which belongs to the surviving spouse, under the provisions of section one thousand four hundred one of the Civil Code. and, in the case of the death of the wife, the community interest which goes to her husband under the provisions of section one thousand four hundred two of the Civil Code in the absence of her testamentary disposition thereof to another or others, shall not be deemed to pass to such surviving spouse as heir, but shall for the purpose of this act, be deemed to go, pass or be transferred for a valuable consideration, and the said one-half of the community property and the interest last mentioned going as aforesaid to the surviving husband shall not be subject to the provisions of this act: *provided, further*, that in case of a transfer of the community property from one spouse to the other within the meaning of subdivision three (3) or five (5) of section two of this act, one-half of the community property so transferred shall not be subject to the provisions of this act; *and provided, further*, that the presumption that property acquired by either husband or wife after marriage is community property, shall not obtain for the purpose of this act as against any claim by the state for the tax hereby imposed; but the burden of proving such property to be community property shall rest upon the person claiming the same to be community property.

Community
property.

"Transfer."

(3) The word "transfer" as used in this act shall be taken to include the passing of property or any interest therein, in possession or enjoyment, present or future, by inheritance, descent, devise, succession, bequest, grant, deed, bargain, sale, gift, or appointment in the manner herein described.

"Decedent."

(4) The word "decedent" as used in this act shall include the testator, intestate, grantor, bargainor, vendor, or donor.

"County
treasurer,"
and "inheritance tax
appraiser."

(5) The words "county treasurer" and "inheritance tax appraiser," as used in this act, shall be taken to mean the

treasurer or the inheritance tax appraiser of the county of the superior court having jurisdiction as provided in section fifteen of this act.

(6) This act shall become effective and in force contemporaneously with the taking effect of amendments to sections one thousand four hundred one and one thousand four hundred two of the Civil Code, which amendments were enacted at the forty-fifth session of the legislature of the State of California and known as chapter eighteen of the statutes of 1923, and not otherwise.

Act takes effect.

CHAPTER 338.

An act to add a new section to the Civil Code to be numbered three thousand fifty-one a, fixing a limit on the amount of a lien on property held under the provisions of section three thousand fifty-one of said code.

[Approved June 13, 1923.]

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

SECTION 1. A new section is hereby added to the Civil Code to be numbered three thousand fifty-one a and to read as follows:

3051a. That portion of any lien, as provided for in the next preceding section, in excess of one hundred dollars, for any work, services, care, or safekeeping rendered or performed at the request of any person other than the holder of the legal title, shall be invalid, unless prior to commencing any such work, service, care, or safekeeping, the person claiming such lien shall give actual notice in writing either by personal service or by registered letter addressed to the holder of the legal title to such property, if known. In the case of automobiles, the person named as legal owner in the registration certificate, shall be deemed for the purpose of this section, as the holder of the legal title.

Limitation on amount recoverable where written notice not given

CHAPTER 339.

An act to control and regulate the possession, sale and use of pistols, revolvers and other firearms capable of being concealed upon the person; to prohibit the manufacture, sale, possession or carrying of certain other dangerous weapons within this state; to provide for registering all sales of pistols, revolvers or other firearms capable of being concealed upon the person; to prohibit the carrying of concealed firearms except by lawfully authorized persons; to provide for the confiscation and destruction of such weapons in certain cases; to prohibit the ownership, use, or possession of any of such weapons by certain classes of persons; to prescribe penalties for violations of this act and increased penalties for repeated violations hereof; to

authorize, in proper cases, the granting of licenses or permits to carry firearms concealed upon the person; to provide for licensing retail dealers in such firearms and regulating sales thereunder; and to repeal chapter one hundred forty-five of California statutes of 1917, relating to the same subject.

[Approved June 12, 1923.]

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

Manufacture,
sale, carry-
ing, etc.,
certain
dangerous
weapons
prohibited.

SECTION 1. On and after the date upon which this act takes effect, every person who within the State of California manufactures or causes to be manufactured, or who imports into the state, or who keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any instrument or weapon of the kind commonly known as a blackjack, slung-shot, billy, sandclub, sandbag, or metal knuckles, or who carries concealed upon his person any explosive substance, other than fixed ammunition, or who carries concealed upon his person any dirk or dagger, shall be guilty of a felony and upon a conviction thereof shall be punishable by imprisonment in a state prison for not less than one year nor for more than five years.

Aliens and
felons must
not possess
certain
firearms.

SEC. 2. On and after the date upon which this act takes effect, no unnaturalized foreign born person and no person who has been convicted of a felony against the person or property of another, or against the government of the United States or of the State of California or of any political subdivision thereof shall own or have in his possession or under his custody or control any pistol, revolver or other firearm capable of being concealed upon the person. The terms "pistol," "revolver," and "firearms capable of being concealed upon the person" as used in this act shall be construed to apply to and include all firearms having a barrel less than twelve inches in length. Any person who shall violate the provisions of this section shall be guilty of a felony and upon conviction thereof shall be punishable by imprisonment in a state prison for not less than one year nor for more than five years.

Committing
felony while
carrying
dangerous
weapon.

SEC. 3. If any person shall commit or attempt to commit any felony within this state while armed with any of the weapons mentioned in section one hereof or while armed with any pistol, revolver or other firearm capable of being concealed upon the person, without having a license or permit to carry such firearm as hereinafter provided, upon conviction of such felony or of an attempt to commit such felony, he shall in addition to the punishment prescribed for the crime of which he has been convicted, be punishable by imprisonment in a state prison for not less than five nor for more than ten years. Such additional period of imprisonment shall commence upon the expiration or other termination of the sentence imposed for the crime of which he stands convicted and shall not run concurrently with such sentence. Upon a second conviction under like circumstances such additional period of impris-

onment shall be for not less than ten years nor for more than fifteen years, and upon a third conviction under like circumstances such additional period of imprisonment shall be for not less than fifteen nor for more than twenty-five years, such terms of additional imprisonment to run consecutively as before. Upon a fourth or subsequent conviction under like circumstances the person so convicted may be imprisoned for life or for a term of years not less than twenty-five years, within the discretion of the court wherein such fourth or subsequent conviction was had.

In the trial of a person charged with committing or attempting to commit a felony against the person of another while armed with any of the weapons mentioned in section one hereof, or while armed with any pistol, revolver or other firearm capable of being concealed upon the person, without having a license or permit to carry such firearm as hereinafter provided, the fact that he was so armed shall be prima facie evidence of his intent to commit such felony. Evidence.

SEC. 4. In no case shall any person punishable under the preceding sections of this act be granted probation by the trial court, nor shall the execution of the sentence imposed upon such person be suspended by the court. No probation or suspension of sentence.

SEC. 5. Except as otherwise provided in this act, it shall be unlawful for any person within this state to carry concealed upon his person or within any vehicle which is under his control or direction any pistol, revolver or other firearm capable of being concealed upon the person without having a license to carry such firearm as hereinafter provided in section eight hereof. Any person who violates the provisions of this section shall be guilty of a misdemeanor, and if he has been convicted previously of any felony, or of any crime made punishable by this act, he is guilty of a felony. Carrying certain firearm without license.

This section shall not be construed to prohibit any citizen of the United States, over the age of eighteen years, who resides or is temporarily sojourning within this state, and who is not within the excepted classes prescribed by section two hereof, from owning, possessing or keeping within his place of residence or place of business any pistol, revolver or other firearm capable of being concealed upon the person, and no permit or license to purchase, own, possess or keep any such firearm at his place of residence or place of business shall be required of any such citizen. Firearms carried openly in belt holsters shall not be deemed to be concealed within the meaning of this section, nor shall knives which are carried openly in sheaths suspended from the waist of the wearer. Exceptions.

SEC. 6. Nothing in the preceding section shall be construed to apply to or affect sheriffs, constables, marshals, policemen, whether active or honorably retired, or other duly appointed peace officers, nor to any person summoned by any such officers to assist in making arrests or preserving the peace while said person so summoned is actually engaged in assisting such officer; nor to the possession or transportation by any merchant of unloaded firearms as merchandise; nor to members of Police officers, soldiers, etc., excepted

the army, navy, or marine corps of the United States, or the national guard, when on duty, or to organizations which are by law authorized to purchase or receive such weapons from the United States, or from this state: nor to duly authorized military or civil organizations while parading, nor to the members thereof when going to and from the places of meeting of their respective organizations; nor to members of any club or organization now existing, or hereafter organized, for the purpose of practicing shooting at targets upon the established target ranges, whether public or private, while such members are using any of the firearms referred to in this act upon such target ranges, or while going to and from such ranges; or to licensed hunters or fishermen while engaged in hunting or fishing, or while going to or returning from such hunting or fishing expedition.

Nuisances.

SEC. 7. The unlawful concealed carrying upon the person or within the vehicle of the carrier of any dirk, dagger, pistol, revolver, or other firearm capable of being concealed upon the person, is a nuisance. Any such weapons taken from the person or vehicle of any person unlawfully carrying the same are hereby declared to be nuisances, and shall be surrendered to the magistrate before whom said person shall be taken, except that in any city, city and county, town or other municipal corporation the same shall be surrendered to the head of the police force or police department thereof. The officers to whom the same may be so surrendered, except upon the certificate of a judge of a court of record, or of the district attorney of the county, that the preservation thereof is necessary or proper to the ends of justice, shall annually, between the first and tenth days of July, in each year, destroy or cause to be destroyed such weapons to such extent that the same shall become and be wholly and entirely ineffective and useless for the purpose for which it was manufactured; *provided, however*, that in the event any such weapon has been stolen and is thereafter recovered from the thief or his transferee, the same shall not be destroyed but shall be restored to the lawful owner thereof, so soon as its use as evidence has been served, upon his identification of the weapon and proof of ownership thereof. Blackjacks, slungshots, billys, sandclubs, sandbags and metal knuckles are hereby declared to be nuisances and shall be subject to confiscation and summary destruction whenever found within the state; *provided*, that upon the certificate of a judge or of the district attorney that the ends of justice will be subserved thereby, such weapon shall be preserved until the necessity for its use ceases.

Destruction
of weapons.

Licenses to
carry
firearms.

SEC. 8. It shall be lawful for the sheriff of a county, and the board of police commissioners, chief of police, city marshal, town marshal, or other head of the police department of any city, city and county, town, or other municipal corporation of this state, upon proof before said board, chief, marshal or other police head, that the person applying therefor is of good moral character, and that good cause exists for the issuance thereof, to issue to such person a license to carry con-

concealed a pistol, revolver or other firearm for a period of one year from the date of such license. All applications for such licenses shall be filed in writing, signed by the applicant, and shall state the name, occupation, residence and business address of the applicant, his age, height, weight, color of eyes and hair, and reason for desiring a license to carry such weapon. Any license issued upon such application shall set forth the foregoing data and shall, in addition, contain a description of the weapon authorized to be carried, giving the name of the manufacturer, the serial number and the caliber thereof. When such licenses are issued by a sheriff a record thereof shall be kept in the office of the county clerk; when issued by police authority such record shall be maintained in the office of the authority by whom issued. Such applications and licenses shall be uniform throughout the state, upon forms to be prescribed by the attorney general.

SEC. 9. Every person in the business of selling, leasing or otherwise transferring a pistol, revolver or other firearm, of a size capable of being concealed upon the person, whether such seller, lessor or transferrer is a retail dealer, pawnbroker or otherwise, except as hereinafter provided, shall keep a register in which shall be entered the time of sale, the date of sale, the name of the salesman making the sale, the place where sold, the make, model, manufacturer's number, caliber or other marks of identification on such pistol, revolver or other firearm. Such register shall be prepared by and obtained from the state printer and shall be furnished by the state printer to said dealers on application at a cost of three dollars per one hundred leaves in duplicate and shall be in the form hereinafter provided. The purchaser of any firearm, capable of being concealed upon the person shall sign, and the dealer shall require him to sign his name and affix his address to said register in duplicate and the salesman shall affix his signature in duplicate as a witness to the signatures of the purchaser. Any person signing a fictitious name or address is guilty of a misdemeanor. The duplicate sheet of such register shall on the evening of the day of sale, be placed in the mail, postage prepaid and properly addressed to the board of police commissioners, chief of police, city marshal, town marshal or other head of the police department of the city, city and county, town or other municipal corporation wherein the sale was made; *provided*, that where the sale is made in a district where there is no municipal police department, said duplicate sheet shall be mailed to the county clerk of the county wherein the sale is made. A violation of any of the provisions of this section by any person engaged in the business of selling, leasing or otherwise transferring such firearm is a misdemeanor. This section shall not apply to wholesale dealers in their business intercourse with retail dealers, nor to wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms as merchandise by mail, express or other mode of shipment, to points outside of the city, city and county, town or municipal corporation wherein

Applications.

Record.

Dealers registers.

Cost.

Signatures.

Disposition of duplicate sheets.

Penalty.

Form of register.

they are situated. The register provided for in this act shall be substantially in the following form :

Form of Register.

Series No.-----

Sheet No.-----

ORIGINAL.

Dealers' Record of Sale of Revolver or Pistol.

State of California.

Notice to dealers: This original is for your files. If spoiled in making out, do not destroy. Keep in books. Fill out in duplicate.

Carbon duplicate must be mailed on the evening of the day of sale, to head of police commissioners, chief of police, city marshal, town marshal or other head of the police department of the municipal corporations wherein the sale is made, or to the county clerk of your county if the sale is made in a district where there is no municipal police department. Violation of this law is a misdemeanor. Use carbon paper for duplicate. Use indelible pencil.

Sold by----- Salesman-----

City, town or township-----

Description of arm (state whether revolver or pistol)-----

Maker----- Number----- Caliber-----

Name of purchaser----- age----- years.

Permanent residence (state name of city, town or township, street and number of dwelling)-----

Height-----feet-----inches. Occupation-----

Color-----skin-----eyes-----hair-----

If traveling or in locality temporarily, give local address

Signature of purchaser-----

(Signing a fictitious name or address is a misdemeanor.) (To be signed in duplicate.)

Witness-----, salesman.

(To be signed in duplicate.)

Series No.-----

Sheet No.-----

DUPLICATE.

Dealers' Record of Sale of Revolver or Pistol.

State of California.

Notice to dealers: This carbon duplicate must be mailed on the evening of the day of sale as set forth in the original of this register page. Violation of this law is a misdemeanor.

Sold by----- Salesman-----

City, town or township-----

Description of arm (state whether revolver or pistol)-----

Maker-----number-----caliber-----

Name of purchaser -----age-----years.
Permanent address (state name of city, town or township,
street and number of dwelling)-----

Height-----feet-----inches. Occupation -----
Color -----skin-----eyes-----hair-----
If traveling or in locality temporarily, give local address

Signature of purchaser-----
(Signing a fictitious name or address is a misdemeanor.) (To
be signed in duplicate.)

Witness-----, salesman.
(To be signed in duplicate.)

SEC. 10. No person shall sell, deliver or otherwise transfer any pistol, revolver or other firearm capable of being concealed upon the person to any person whom he has cause to believe to be within any of the classes prohibited by section two hereof from owning or possessing such firearms, nor to any minor under the age of eighteen years. In no event shall any such firearm be delivered to the purchaser upon the day of the application for the purchase thereof, and when delivered such firearm shall be securely wrapped and shall be unloaded. Where neither party to the transaction holds a dealer's license, no person shall sell or otherwise transfer any such firearm to any other person within this state who is not personally known to the vendor. Any violation of the provisions of this section shall be a misdemeanor.

Restrictions on transfer of certain firearms.

SEC. 11. The duly constituted licensing authorities of any county, city and county, city, town or other municipality within this state, may grant licenses in form prescribed by the attorney general, effective for not more than one year from date of issue, permitting the licensee to sell at retail within the said county, city and county, city, town or other municipality pistols, revolvers, and other firearms capable of being concealed upon the person, subject to the following conditions, for breach of any of which the license shall be subject to forfeiture:

Local licenses for sale of certain firearms.

1. The business shall be carried on only in the building designated in the license.

2. The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

3. No pistol or revolver shall be delivered

(a) On the day of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor

(b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

4. No pistol or revolver, or imitation thereof, or placard advertising the sale or other transfer thereof, shall be displayed in any part of said premises where it can readily be seen from the outside.

Penalty for dealing in certain firearms without license.

SEC. 12. Any person who, without being licensed as above provided, engages in the business of selling or otherwise transferring, or who advertises for sale, or offers or exposes for sale or transfer, any pistol, revolver or other firearm capable of being concealed upon the person is guilty of a misdemeanor.

Tampering with marks on certain firearms

SEC. 13. No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol or revolver. Possession of any such firearm upon which the same shall have been changed, altered, removed, or obliterated, shall be presumptive evidence that such possessor has changed, altered, removed, or obliterated the same. Violations of this section shall be punished by imprisonment in the state prison for not less than one year nor more than five years.

Penalty

Expiration of current licenses.

SEC. 14. All licenses heretofore issued within this state permitting the carrying of pistols or revolvers concealed upon the person shall expire at midnight of December 31, 1924.

Antique pistols, etc

SEC. 15. This act shall not apply to antique pistols or revolvers incapable of use as such.

Constitutionality.

SEC. 16. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Stats 1917, p 231, repealed

SEC. 17. That certain act entitled, "An act relating to and regulating the carrying, possession, sale or other disposition of firearms capable of being concealed upon the person; prohibiting the possession, carrying, manufacturing and sale of certain other dangerous weapons and the giving, transferring and disposition thereof to other persons within this state; providing for the registering of the sales of firearms; prohibiting the carrying or possession of concealed weapons in municipal corporations; providing for the destruction of certain dangerous weapons as nuisances and making it a felony to use or attempt to use certain dangerous weapons against another," approved May 4, 1917, is hereby repealed.

CHAPTER 340.

An act to amend sections one thousand five hundred eighty-nine, one thousand five hundred eighty-nine a, one thousand five hundred ninety, one thousand five hundred ninety-one, one thousand five hundred ninety-one a of the Political Code, and to repeal section one thousand five hundred eighty-nine b of the Political Code, relating to union elementary school districts.

[Approved June 13, 1923.]

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

SECTION 1. Section one thousand five hundred eighty-nine of the Political Code is hereby amended to read as follows:

1589. After the location of the union or joint union school or schools, has been determined, the board of trustees, may erect or lease a suitable building, as they may deem most advisable. A lease shall not be made for a longer period than three years. A building may be erected under the provisions of sections one thousand eight hundred thirty to one thousand eight hundred thirty-nine, inclusive, of this code, relating to a district tax, or sections one thousand eight hundred eighty to one thousand eight hundred eighty-nine, inclusive, of this code, relating to the issuance of bonds. In all cases the plans must be approved by the county superintendent of schools of the county in which the schoolhouse is to be located.

Erection or lease of building.

At any time after the appointment or election of the board of trustees of the union or joint union school district, and the naming of the school district, the board shall have the further power to secure an option to purchase land for school purposes and to call a bond election for any of the purposes specified in section one thousand eight hundred eighty of this code, and to proceed thereafter in accordance with sections one thousand eight hundred eighty to one thousand eight hundred eighty-nine, inclusive, of this code, with the same effect as though control of the property of the union or joint union district had already been vested in them.

Power to secure options and call bond elections.

No change of location of any union or joint union school, when once established, shall be made, except upon a petition to the county superintendent of schools, or superintendents, in case of a joint union district, signed by two-thirds of the heads of families who reside in the school district and who have children attending the school as is shown by the teacher's register in the school, and then only in accordance with all the provisions for the original location of the school.

Change of location.

SEC. 2. Section one thousand five hundred eighty-nine a of the Political Code is hereby amended to read as follows:

1589a. *First*—The powers and duties of boards of trustees in union or joint union school districts shall be such as are now, or may hereafter be assigned by law to boards of school trustees, except as otherwise provided in sections one thousand

Powers and duties of trustees

five hundred eighty-five to one thousand five hundred ninety-one *c*, inclusive, of this code.

Second—Boards of trustees in union and joint union districts may appoint an executive committee, consisting of the president and the clerk and one other member of the board, to attend to the routine business of the board, their action to be reported to the board for ratification at its first meeting ensuing.

SEC. 3. Section one thousand five hundred ninety of the Political Code is hereby amended to read as follows:

Transfer of
funds to
union
district.

1590. On the first day of July next ensuing after the formation of a union or joint union school district, the county superintendent of schools, or superintendents in joint union school districts, shall transfer, by requisition upon the county auditor, all funds remaining to the credit of the different districts uniting to form the union or joint union district, to the credit of such union or joint union district.

For the purposes of teachers' reports and for the estimating of the number of teachers and the amount of money to which each district is entitled, the several districts uniting to form the union school district shall continue their separate existence.

Separate
reports.

The teacher or teachers shall keep the enrollment and attendance of each district separate from that of the other districts composing the union. At the close of the term or year, a report shall be made of the attendance of each district composing the union separately. These separate reports shall be combined into a principal's report. In case of a joint union school district, the teacher or teachers shall send a copy of each report to the county superintendent in whose county parts of the district lie; *and provided, further*, that no moneys shall be apportioned directly to any of such several districts, while forming a part of an organized union or joint union school district, but there shall be apportioned to such union or joint union district the aggregate of moneys that would be apportioned to the several school districts composing it, if such several districts were not united.

Apportion-
ment of
moneys.

SEC. 4. Section one thousand five hundred ninety-one of the Political Code is hereby amended to read as follows:

Annexation
of other
districts.

1591. Any school district may be admitted at any time to a union or joint union school district by action of the board of supervisors of the county in which such union or joint union school district is located, upon such terms as may be agreed upon between its board of trustees and the board of trustees of the union or joint union school district, whenever a majority of the heads of families who reside in the district and who have children enrolled in the school as is shown by the teacher's register for the current or next preceding term, shall present to said board of supervisors a petition for such annexation, accompanied by an agreement to such annexation signed by a majority of the members composing the board of trustees of the union or joint union district to which admission is desired. If such petitioning school district and such

union or joint union school district be not wholly situated in the same county, then said petition shall be presented in duplicate to the board of supervisors of each and every county in which any part of either of such districts is situated, and such annexation shall be made only by the concurrent action of all such boards of supervisors. Upon presentation of such petition the board of supervisors shall set the same for hearing at a regular meeting thereof, and shall publish in a newspaper of general circulation in the county for two successive weeks a notice containing a general statement of the purpose of such meeting and the time and place when and where the petition will be heard, and shall require the clerk of the board of supervisors to mail a copy of such notice to each of the trustees of such school district at least ten days prior to such hearing. The board of supervisors must at the time and place mentioned in such notice hear the persons interested in the petition and after such hearing may make an order annexing such petitioning school district to such union or joint union school district.

A portion of a school district may be added to a district which is part of a union or joint union school district under the provisions of subdivision second of section one thousand five hundred seventy-seven of the Political Code.

SEC. 5. Section one thousand five hundred ninety-one *a* of the Political Code is hereby amended to read as follows:

1591*a*. Any school district contained in a union or joint union school district may, as provided in section one thousand five hundred ninety-one of this code, withdraw from such union or joint union district by action of the board or boards, of supervisors of the county, or counties, in which the union or joint union district is located, whenever a majority of the heads of families residing in the union or joint union district, including two-thirds of the heads of families who reside in the district wishing to withdraw and who have children attending the school as shown by the teacher's register, shall present to such board or boards of supervisors a petition for such withdrawal, accompanied by a written consent to such withdrawal signed by a majority of the members composing the board of trustees of such union or joint union district and setting forth the terms agreed upon by a majority of the electors of the district wishing to withdraw and the board of school trustees of the union or joint union school district for the withdrawal of said district.

Withdrawal
from union
district

SEC. 6. Section one thousand five hundred eighty-nine *b* of the Political Code is hereby repealed.

Repealed.

CHAPTER 341.

An act to impose a license fee for the transportation of persons or property for hire or compensation upon public streets, roads and highways in the State of California by motor vehicle; to provide for certain exemptions; to provide for the enforcement of the provisions hereof and for the disposition of the amounts collected on account of such licenses; to make an appropriation for the purposes of this act; and to repeal all acts or parts of acts in conflict herewith.

[Approved June 13, 1923.]

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

Words and phrases.

SECTION 1. The words and phrases used in this act shall for the purposes of this act, unless the same be contrary to or inconsistent with the context, be construed as follows:

"Railroad commission certificate."

(a) The phrase "railroad commission certificate" shall be construed to mean a certificate of public convenience and necessity granted or issued by the railroad commission of the State of California, authorizing a common carrier by motor vehicle to operate under the conditions prescribed by said commission, and shall also include all amendments to or changes in such certificate which may be made by said commission.

"Operator."

(b) The word "operator" shall include all persons, firms, associations and corporations who operate motor vehicles upon any public highway in this state and thereby engage in the transportation of persons or property for hire or compensation, but shall not include any person, firm, association or corporation who solely transports by motor vehicle persons to and from or to or from attendance upon any public school or who solely transports his or its own property, or employees, or both, and who transports no persons or property for hire or compensation.

"Registration certificate."

(c) The term "registration certificate" shall include any and all certificates of registration of a motor vehicle issued by the division of motor vehicles of the department of finance of the State of California, or by any governmental body within said state under which the laws of the said state may have power or authority to register and certify to the registration of a motor vehicle for operation within said state.

"Motor vehicles."

(d) The words "motor vehicles" shall mean and include all vehicles, automobiles, trucks or trailers operated upon or over public highways of this state whether the same be propelled or operated by steam or electricity, or propelled or operated by combustion of gasoline, distillate or other volatile and inflammable liquid fuels.

"Gross receipts from operation."

(e) The term "gross receipts from operation" shall include all receipts from the operation of such motor vehicle or vehicles beginning and ending entirely within this state and a proportion based upon the proportion of the mileage within this state to the entire mileage over which such business is done of gross receipts by such operator on all business passing through,

into or out of this state, or partly within and partly without this state, it being the intention hereof not to base all or any portion of the license fee hereby imposed upon any receipts from interstate commerce, or upon the right or privilege to engage in interstate commerce.

SEC. 2. Each operator of a motor vehicle within this state who transports or desires to transport for compensation or hire persons or property upon or over any public highway within this state shall apply to and secure from the board of equalization of the State of California a license to operate each and all of the motor vehicles which such operator desires to operate or which such operator from time to time may operate.

Motor vehicle
transporta-
tion licenses.

SEC. 3. Such license must be issued upon the filing with said board of a verified application by the applicant or his or its duly authorized agent in the form to be prescribed by said board, which application shall estimate the gross receipts from operation to be derived by the applicant operator from his operation of motor vehicles within this state for the period of three months next ensuing from the first day of the month following that in which such application is filed. Said board shall transmit to the state controller each month a list of the operators of motor vehicles securing licenses from it under the provisions of this act, together with the amount of tax collectible from each operator.

Applications.

SEC. 4. At the end of each quarter of the calendar year such applicant may renew such license only by paying to the state controller of the State of California of an amount equal to four per cent of said applicant's gross receipts from operation derived by such applicant from the operation of such motor vehicles during the preceding quarter; *provided*, that there shall be deducted from said four per cent of the gross receipts the amount of any county or municipal licenses, and any city, or county or city and county taxes paid by such operators to any city, or county, or city and county in this state upon any of the property actually used and necessary in the operation of such motor vehicles for the transportation of persons or property and upon such payment said state controller shall issue a receipt, in duplicate, to such applicant.

Quarterly
renewal
fee.

SEC. 5. Said board of equalization shall have the power and authority to prescribe the forms of all reports of gross receipts from operation necessary to enable it or the state authorities to determine the amount and character thereof, and shall have power to subpoena witnesses duces tecum at any point within the State of California, and the state controller shall have the power to request the attorney general of said state to bring suit for the recovery of any unpaid license fee and costs. It shall be the duty of the attorney general to bring such suit on the written request of said state controller and in the name of said people of the State of California in a court of competent jurisdiction in the county of Sacramento; payment of an amount to said state controller for and on account of such license fee and the acceptance thereof shall not bar an action by the state to recover an additional

Forms for
report of
receipts

Actions to
recover fees.

Payment
under
protest.

amount for the same quarter which may actually be due. Any license holder may pay to the state controller all or any portion of the license fee hereby imposed under written protest and may bring an action against the state treasurer in his official capacity in the superior court of the State of California in and for the county of Sacramento, and obtain a judgment that said license fee has been in whole or in part illegally or unlawfully exacted or collected, and said judgment may be made the basis for an appropriation by the legislature of said state to reimburse said license holder, or his, or its, heirs, executors, successors, administrators or assigns, in the amount of said judgment without interest or costs.

Number
plates.

SEC. 6. Upon the issuance of a license by said board of equalization to an operator of a motor vehicle or vehicles said board shall furnish to such operator an emblem or plate for each motor vehicle desired to be operated by such operator under said license, which emblem shall be attached to and conspicuously displayed upon each of the motor vehicles authorized to be operated by said license. Said emblems shall each bear a different number and said board shall keep a record of the emblems so issued, with the date of issuance, and the name of the operator to whom said emblems may be issued. Said board shall charge and collect from such operator the cost to the state of the manufacture and delivery to said board of such emblems. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of five thousand dollars for the purpose of designing, preparing and securing such emblem; said money to be expended by said board on warrants drawn in the manner provided by law, and said amount to be a revolving fund into which shall be paid from time to time as they are collected the amounts received from operators of motor vehicles for said emblems and the legislature may from time to time withdraw from said fund such amounts as it may deem proper, provided that said fund shall not be decreased below the sum of five thousand dollars.

Appropriation.

Offenses
and
penalties.

SEC. 7. Any person, firm, association, or corporation who shall use any public highway in this state for the transportation of persons or property for hire, either as a public or a private carrier, without first obtaining the license herein provided for, or without carrying upon each motor vehicle so used the emblem herein provided for, or who fails, neglects or refuses to make any return hereunder or any report required by the state board of equalization, or who makes any false return, shall be guilty of a misdemeanor and shall be punishable by a fine not exceeding five hundred dollars or by imprisonment not exceeding six months, or by both such fine and imprisonment. Any such operator of a motor vehicle who holds a California railroad commission certificate entitling him or it to operate as a common carrier and who fails, neglects or refuses for the period of thirty days from the end of any quarter of the calendar year to pay the license fee hereby imposed shall have his or its certificate revoked by said railroad commission, and

Revocation
of license.

it shall be mandatory upon said railroad commission to revoke said certificate upon written complaint to it by said board of equalization that said operator has for the period of thirty days failed, neglected or refused to pay such license fee, and said revocation shall be in addition to and independent of the penalty for misdemeanor herein prescribed: *provided*, that no such written complaint shall be made by such board until after notice by registered mail or personal service has been given such operator and he has had an opportunity to be heard thereon. If any such operator of a motor vehicle shall fail, neglect or refuse for the period of thirty days next succeeding the end of any quarter of a calendar year to pay the license fee hereby imposed, the division of motor vehicles of the department of finance of the State of California shall upon written complaint of said board of equalization and upon ten days notice to such operator, suspend, until the payment of said license fee is made, any and all registration certificates held by such operator for any motor vehicles employed by him or it in the business of transportation of persons or property upon the highways of this state for hire.

Stipulation
of license

SEC. 8. All sums paid to the state controller under and by virtue of this act, excepting such sums as are paid for said emblems, shall be deposited by him in the state treasury to the credit of the motor vehicle fuel fund, and shall be applied and the same are hereby appropriated one-half to the State of California to be devoted exclusively to the maintenance and repair of public highways within this state; the remaining one-half shall be apportioned among the respective counties of this state, in the proportion that the number of motor vehicles registered within such county for the preceding calendar year bears to the total number of motor vehicles registered in the State of California under the motor vehicle act of such state for the preceding year, and such sums so paid to said counties shall be devoted exclusively to the maintenance and repair of the public highways within such county; *provided*, that from any sums found to be due to any county under the provisions of this act there shall first be deducted the total of all county and city licenses collected in such county from the operators covered by the provisions hereof and any county, and city and county or city taxes collected upon the operative property of such operators within such county. All such sums so deducted shall revert to the counties portion of the motor vehicle fuel fund and shall be apportioned to the several counties in the proportion herein provided.

Disposition
and use of
license fees.

SEC. 9. This act shall not apply to taxicabs, drays, transfer vehicles and other like city motor vehicles which do not run over regular routes nor shall it apply to hotel busses meeting trains, cars or boats or to sight seeing motor vehicles.

Taxicabs,
drays, hotel
busses, etc.,
exempt

SEC. 10. Nothing in this act shall be construed to apply to nor to levy a license upon the operation of any motor vehicle or motor vehicles of any operator, or the gross receipts therefrom, when as much as fifteen per cent of the gross receipts of such operator in the aggregate from such motor

Certain mail
carriers
exempt.

vehicle or motor vehicles shall have been earned by the transportation of United States mails, parcels post or other government matter under contract with the federal government.

Constitutionality.

SEC. 11. If any section, subsection, clause, sentence or phrase of this act is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, clauses or phrases be declared unconstitutional.

Repealed.

SEC. 12. All acts and parts of acts in conflict herewith are hereby repealed; *provided, however*, that nothing herein shall be construed as affecting or repealing the provisions of an act entitled "An act providing for the supervision and regulation of the transportation of persons and property for compensation over any public highway by automobiles, jitney busses, auto trucks, stages and auto stages; defining transportation companies and providing for the supervision and regulation thereof by the railroad commission; providing for the enforcement of the provisions of this act and for the punishment of violations thereof; and repealing all acts inconsistent with the provisions of this act," approved May 10, 1917, as amended.

Effective.

SEC. 13. This act shall be and become effective January 1, 1924.

CHAPTER 342.

An act to amend section four thousand three hundred a of the Political Code, relating to the fees of the county clerk.

[Approved June 13, 1923.]

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

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

County clerk's fees

4300a. County clerk's fees. In addition to the charges otherwise provided for by law, the county clerk shall charge and collect the following fees:

For the filing of the first paper in a civil action or in a special proceeding, except a probate proceeding or an adoption proceeding, six dollars; *provided*, that in every special proceeding in which more than seven applicants or petitioners join, one dollar shall be collected for each additional applicant or petitioner above seven.

For filing the papers transmitted from another county on the transfer of a civil action or a special proceeding, except a probate proceeding or an adoption proceeding, six dollars.

For filing the papers transmitted on appeal from a justice's court in a civil action or a special proceeding, six dollars.

On the appearance of any defendant, intervenor or corespondent, whether separately or jointly, except for the

purpose of making disclaimer, to be paid upon filing the first paper in the action on his behalf, one dollar. County clerk's fees.

For filing the first petition for letters of administration, a petition for special letters of administration, a petition for letters testamentary or a petition for letters of guardianship, six dollars; for filing a second or any subsequent petition for letters of administration, special letters of administration, letters testamentary, or letters of guardianship, in the same proceeding, or a petition to contest any will or codicil, three dollars; *provided*, that when such subsequent petition is filed to amend a previously filed petition, but where the petitioner is the same person named in the original petition, no fee shall be charged; *also, provided*, that when the public administrator or the secretary of the state commission in lunacy, in his official capacity is the petitioner, he shall be required to pay said fee only out of the assets of the estate coming into his possession.

For issuing a writ of execution, a writ of restitution, a writ of possession, a writ of prohibition, or any writ for the enforcement of any order or judgment, one dollar.

For issuing an order of sale, one dollar.

For filing any notice of intention to move for a new trial of any civil action or special proceeding, two dollars.

For preparing a first copy, other than a carbon copy, of any record, proceeding, or paper on file in his office, per folio, twelve cents.

For preparing a carbon copy of any record, proceeding, or paper on file in his office, made at the time of preparing a first copy thereof, per folio, five cents.

For certifying to a copy of any paper, record or proceeding on file in his office, fifty cents.

For comparing with the original on file in his office, the copy of any paper, record or proceeding prepared by another and presented for his certificate, two cents per folio.

For certificate required by courts of appeal or supreme court on the dismissal of an appeal, one dollar.

For exemplification of record or other paper on file besides the charges allowed for copying or comparing, one dollar.

The foregoing fees shall be in full for all services rendered by the county clerk in any civil action or special proceeding.

No fee shall be charged by the clerk for service rendered in any criminal action or adoption proceeding, nor for any service to the State of California, or any municipality or county in said state, or to the national government, nor for any service relating thereto, except for making or certifying to a copy of a filed paper, record or proceeding, when not otherwise provided by law.

For issuing a marriage license, one-half to be paid to the county recorder, two dollars; *provided*, that in counties where the salary of the county recorder is the sole compensation allowed by law this fee shall be paid to the county treasurer, who shall credit one-half to the county recorder. Said fee shall be in full for all services of the clerk and recorder in

connection with the issuance of a marriage license and the recording of a marriage certificate.

For filing and indexing articles of incorporation, amended articles of incorporation or a certified copy of articles of incorporation, one dollar.

For filing a certificate of increase of the capital stock of a corporation, one dollar.

For filing a certificate of decrease of the capital stock of a corporation, one dollar.

For filing a certificate of increase of the number of directors of a corporation, one dollar.

For filing a certificate of decrease of the number of directors of a corporation, one dollar.

For filing a certificate of notice of removal of the principal place of business of a corporation, one dollar.

For filing a certificate of creation of bonded indebtedness of a corporation, one dollar.

For filing a certificate of increase of bonded indebtedness of a corporation, one dollar.

For filing any charter, by-laws, or any other certificate, etc., of any corporation, granting power to do business in this state, one dollar.

For filing and indexing a certificate of fictitious name, including affidavit of publication, one dollar.

For filing and indexing an auctioneer's bond, one dollar.

For filing and indexing all papers for which a charge is not elsewhere provided, other than papers filed in actions or special proceedings, official bonds, or certificates of appointment, one dollar.

For either recording or registering any license or certificate or issuing any certificate, or both, in connection with a license, required by law, for which a charge is not otherwise prescribed, one dollar.

For making a record of a certificate of revivor, one dollar.

For each certificate to the official capacity of any public official, twenty-five cents.

For taking an affidavit, except in criminal cases, or adoption proceedings, fifty cents.

For searching records or files, for each year, fifty cents.

For taking acknowledgment of any deed or other instrument, including the certificate, for each signature, fifty cents.

SEC. 2. Section four thousand one hundred ninety of the Political Code shall not be repealed or affected by this act, but the fees therein provided for shall be in addition to those hereinabove provided for.

CHAPTER 343.

An act authorizing the conveyance to the county of Los Angeles of a right of way for a county road over land owned by the State of California near Walnut, Los Angeles county, California.

[Approved June 13, 1923.]

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

SECTION 1. The grant and conveyance by the State of California to the county of Los Angeles, a legal subdivision of the State of California, is hereby authorized, of the right of way and incidents thereto for a county road over and across the following described lands and premises, lying and being in the county of Los Angeles, State of California, and more particularly described as follows, to wit: Parcel 1. A strip of land sixty feet wide, being that portion of lots four, five, and six of C. M. Wright tract, as shown on map recorded in book five, page seventy-five of maps, records of said county, lying thirty feet on each side of the following described center line: Beginning at a point in the westerly line of said lot six which is south twenty degrees thirteen minutes east along said westerly line two thousand ninety-three and ninety-seven hundredths feet from the northwesterly corner of said lot six; thence south seventy-two degrees twenty-one minutes east thirty and fifty-nine hundredths feet to the beginning of a curve concave to the north having a radius of eight hundred feet; thence easterly along said curve two hundred ten and ninety-seven hundredths feet to the end of same; thence south eighty-seven degrees twenty-seven minutes thirty-five seconds east four hundred fifty-two and eighty-four hundredths feet to the beginning of a curve concave to the south having a radius of five hundred feet; thence easterly along said last mentioned curve one hundred twenty-three and fifty-four hundredths feet to the end of same; thence south seventy-three degrees eighteen minutes ten seconds east thirty-five and four hundredths feet to the beginning of a curve concave to the southwest having a radius of two hundred feet; thence southeasterly along said last mentioned curve one hundred fifty-five and fifty hundredths feet to the end of same; thence south twenty-eight degrees forty-five minutes twenty seconds east five hundred and thirty-one hundredths feet to the beginning of a curve concave to the northeast having a radius of five hundred feet; thence southeasterly along said last mentioned curve one hundred seventy-three and eighty-three hundredths feet to the end of same; thence south forty-eight degrees forty minutes thirty seconds east five hundred twenty-six and thirty-two hundredths feet to an angle point; thence south thirty-nine degrees forty-three minutes thirty-five seconds east four hundred ninety-one and twenty-seven hundredths feet to the beginning of a curve concave to the southwest having a radius of five hundred feet; thence southeasterly along said last mentioned

*Rights of
way granted
to Los
Angeles
county for
county
road.*

Rights of
way granted
to Los
Angeles
county for
county
road

curve one hundred seventy-three and twenty-two hundredths feet to the end of same; thence south nineteen degrees fifty-two minutes thirty-five seconds east three hundred sixty-one and fifty-seven hundredths feet to the beginning of a curve concave to the west having a radius of five hundred feet; thence southerly along said last mentioned curve one hundred ninety-five and forty-eight hundredths feet to the end of same; thence south two degrees thirty-one minutes twenty-five seconds west one hundred sixty-six and ninety-seven hundredths feet to the beginning of a curve concave to the east, having a radius of one thousand feet; thence southerly along said last mentioned curve two hundred seventy-six and seventy-eight hundredths feet to the end of same; thence south thirteen degrees twenty minutes fifteen seconds east one hundred forty-six and ninety-six hundredths feet to the beginning of a curve concave to the north-east, having a radius of five hundred feet; thence southeasterly along said last mentioned curve one hundred eighty-eight and twelve hundredths feet to the end of same; thence south thirty-four degrees fifty-three minutes forty seconds east three hundred thirty and forty-seven hundredths feet to the beginning of a curve concave to the southwest having a radius of one thousand feet; thence southeasterly along said last mentioned curve two hundred sixty-two and twenty-four hundredths feet to the end of same; thence south nineteen degrees fifty-two minutes ten seconds east three hundred forty-six and twelve hundredths feet to the beginning of a curve concave to the west, having a radius of one thousand feet; thence southerly along said last mentioned curve two hundred twenty-six and seventy-five hundredths feet to the end of same; thence south six degrees fifty-two minutes forty seconds east two hundred ninety-two and sixty-five hundredths feet to the beginning of a curve concave to the northeast having a radius of three hundred fifty feet; thence southeasterly along said last mentioned curve one hundred sixty-seven and ninety-six hundredths feet to the end of same; thence south thirty-four degrees twenty-two minutes twenty-five seconds east four hundred forty-five and fifty-nine hundredths feet to the beginning of a curve concave to the southwest having a radius of one thousand feet; thence southeasterly along said last mentioned curve two hundred sixteen and forty-two hundredths feet to the end of same; thence south twenty-one degrees fifty-eight minutes twenty-five seconds east two hundred thirty-one and twenty-nine hundredths feet to the beginning of a curve concave to the west, having a radius of two hundred fifty feet; thence southerly along said last mentioned curve one hundred thirty-five and twenty-three hundredths feet to the end of same; thence south nine degrees one minute five seconds west one hundred twenty-six and five hundredths feet to a point in the center line of Pomona boulevard (formerly El Monte-Pomona road), said point being designated as engineer's station number nine hundred seventy-nine plus forty-seven and sixteen hundredths on county surveyor's map number seven thousand eight hun-

dred two on file in the office of the surveyor of Los Angeles county.

Parcel 2. That portion of above mentioned lot four described as follows: Beginning at the intersection of the northwesterly line of above mentioned Pomona boulevard with the easterly line of the sixty foot strip described in Parcel 1: thence north nine degrees one minute five seconds east along said easterly line forty and thirty-two hundredths feet to the beginning of a curve concave to the northeast having a radius of twenty feet; thence southeasterly along said curve forty-four and forty-one hundredths feet to the end of same, being a point in said northwesterly line of Pomona boulevard; thence southwesterly in a direct line forty and thirty-two hundredths feet to the point of beginning.

The side lines of the above described sixty foot strip of land are to be prolonged or shortened so as to terminate at their points of intersection.

The side lines of the above described sixty foot strip of land are to be prolonged or shortened so as to terminate westerly in the westerly line of above mentioned lot six: and southerly in the northwesterly line of aforesaid Pomona boulevard.

All curves in the above described parcels of land are tangent to the straight lines or curves which they join.

And the governor of the State of California for and on behalf and in the name of the State of California is hereby empowered and directed to execute, acknowledge and deliver a good and sufficient deed granting and conveying to said county of Los Angeles said right of way, hereinbefore more particularly described. Deed.

CHAPTER 344.

An act to authorize the payment of the claim of John Akers and Jesse M. Akers against the State of California and making an appropriation therefor.

[Approved June 13, 1923.]

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

SECTION 1. The sum of three hundred thirteen dollars and sixty cents is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to pay the claim of John Akers and Jesse M. Akers against the State of California. Appropriation, claim of Akers & Akers.

Sec. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the same John Akers and Jesse M. Akers for said sum, and the state treasurer is hereby authorized and directed to pay the same.

CHAPTER 345.

An act to amend section fifty-seven of an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, as amended.

[Approved June 14, 1923.]

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

Stats. 1915,
p. 1113,
amended.

SECTION 1. Section fifty-seven of an act entitled "An act to define and regulate the business of banking, approved March 1, 1909, as amended," is hereby amended to read as follows:

Loans
secured by
first lien
on real
estate.

Sec. 57. Whenever in this act it is required that loans or investments shall be secured by a first lien on real estate, the lien of any tax, assessment or bond levied or issued by this state or by any county, city and county, city, town, municipality, school district, reclamation district, irrigation district or any other political or governmental subdivision of this state, not including bonds given pursuant to any law authorizing the same by any person or corporation in lieu of payment of any tax or assessment levied against any particular real property, and the lien of any assessment levied to pay such bonds, and the lien created by any contract to secure the payment for water furnished thereunder for the irrigation of such real estate or any part thereof, shall not be deemed to be a prior encumbrance or lien on such real property unless an installment call or payment of or under such tax, assessment bond or contract shall be due and delinquent; and any bonds given pursuant to any law authorizing the same by any person or corporation in lieu of payment of any tax or assessment levied against any particular real property and any lien given to secure the payment of assessments or subscriptions to meet the requirements of any law of the United States in respect to any irrigation project of the United States in this state which may be levied, made or received by any corporation or association formed to carry out the objects and requirements of any such law of the United States shall not be deemed to be a prior encumbrance or lien on such real property if the lien given to secure such assessments and subscriptions taken with the loan or investment so secured shall amount to not more than sixty per centum of the market value of the land securing the same.

CHAPTER 346.

An act to amend section ten of an act entitled "An act to regulate the examination of applicants for license, and the practice of those licensed, to treat diseases, injuries, deformities, or other physical or mental conditions of human beings; to establish a board of medical examiners, to provide for their appointment and prescribe their duties and powers and to repeal an act entitled 'An act for the reg-

ulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation,' approved March 14, 1907, and acts amendatory thereto and also to repeal all other acts or parts of acts in conflict with this act," approved June 2, 1913, as amended.

[Approved June 14, 1923.]

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

SECTION 1. Section ten of an act entitled "An act to regulate the examination of applicants for license, and the practice of those licensed, to treat discases, injuries, deformities, or other physical or mental conditions of human beings; to establish a board of medical examiners, to provide for their appointment and prescribe their duties and powers and to repeal an act entitled 'An act for the regulation of the practice of medicine and surgery, osteopathy and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation,' approved March 14, 1907, and acts amendatory thereto and also to repeal all other acts or parts of acts in conflict with this act," approved June 2, 1913, as amended, is hereby amended to read as follows:

Stats. 1921.
p. 1817.
amended.

Sec 10. Applicants for any form of certificate shall file satisfactory evidence of having pursued in any legally chartered school or schools, approved by the board, a course of instruction covering a total of at least four thousand hours and including the following minimum requirements:

Courses of
study.

FOR A "PHYSICIAN'S AND SURGEON'S CERTIFICATE."

<i>Group 1.</i>		
Anatomy -----	14	to 18½ per cent
<i>Group 2.</i>		
Physiology -----	4½	to 6 per cent
<i>Group 3.</i>		
Biochemistry -----	3½	to 4½ per cent
<i>Group 4.</i>		
Pathology, bacteriology and immunology -----	10	to 13 per cent
<i>Group 5.</i>		
Pharmacology, including materia medica and toxicology----	4	to 5 per cent
<i>Group 6.</i>		
Preventive medicine and hygiene	3	to 4 per cent

Physician
and
surgeon

Group 7.

General medicine, neurology
and psychiatry, pediatrics,
dermatology, and syphilis--- 20 to 26½ per cent

Group 8.

General surgery, orthopedic sur-
gery, urology, eye, ear, nose
and throat roentgenology--- 13 to 17½ per cent

Group 9.

Obstetrics and gynecology----- 4 to 5 per cent
Total number of hours required----- 4,000 hours

Drugless
practitioners.

FOR A "DRUGLESS PRACTITIONER CERTIFICATE."

Group 1. 600 hours.

Anatomy ----- 485 hours
Histology ----- 115 hours

Group 2. 270 hours.

Elementary chemistry and toxicology-- 70 hours
Physiology ----- 200 hours

Group 3. 235 hours.

Elementary bacteriology ----- 40 hours
Hygiene ----- 45 hours
Pathology ----- 150 hours

Group 4. 370 hours.

Diagnosis ----- 370 hours

Group 5. 260 hours.

Manipulative and mechanical therapy-- 260 hours

Group 6. 265 hours.

Gynecology ----- 100 hours
Obstetrics ----- 165 hours

Total ----- 2,000 hours

Chiropradists.

FOR A CERTIFICATE TO PRACTICE CHIROPODY.

Group 1. 117 hours.

Anatomy ----- 78 hours
Histology ----- 39 hours

Group 2. 156 hours.

Chemistry and toxicology----- 78 hours
Physiology ----- 78 hours

Group 3. 103 hours.

Bacteriology -----	39 hours
Hygiene -----	25 hours
Pathology -----	39 hours

Group 4. 14 hours.

Diagnosis:	
Syphilis -----	20 hours
Dermatology -----	24 hours

Group 5. 215 hours.

Manipulative and mechanical therapy:	
Didactic and clinical chiropody -----	136 hours
Orthopedics -----	20 hours
Surgery -----	59 hours

Group 6. 29 hours.

Materia medica and therapeutics -----	29 hours
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Total -----	664 hours
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FOR A CERTIFICATE TO PRACTICE MIDWIFERY.

Midwives.

Group 1. 150 hours.

Anatomy -----	75 hours
Physiology -----	75 hours

Group 2. 265 hours.

Hygiene and sanitation -----	100 hours
Obstetrics -----	165 hours

Total -----	415 hours
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In the course of study herein outlined the hours required shall be actual work in the classroom, laboratory, clinic or hospital, and at least eighty (80) per cent of actual attendance shall be required; *provided*, that the hours herein required in any subject need not exceed seventy-five (75) per cent of the number specified, but that the total number of hours in all the subjects of each group shall not be less than the total number specified for such group.

CHAPTER 347.

An act to amend the Civil Code by adding thereto a new section to be numbered section two thousand seven hundred sixty-nine relating to insurance.

[Approved June 14, 1923.]

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

SECTION 1. A new section is hereby added to the Civil Code to be numbered 2769 and to read as follows:

2769. The proceeds of every policy of insurance due on the death of insured shall by the insurer be paid either to the Payment of proceeds of policy.

beneficiary designated therein, or, if no beneficiary is designated therein, to the estate of insured; or, if the policy has been assigned, to the assignee thereof; and such payment shall satisfy all obligations of the insurer with respect to said policy.

CHAPTER 348.

An act to amend section four hundred fifty-three e of the Civil Code, relating to insurance.

[Approved June 14, 1923.]

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

SECTION 1. Section four hundred fifty-three e of the Civil Code is hereby amended to read as follows:

Formation of
corporations.

453e. Corporations may be formed to carry on the business of mutual insurance upon the assessment plan, and are subject only to the provisions of this chapter. No such corporation may issue contracts of insurance until at least five hundred persons have applied, in writing, to the insurance commissioner, for membership or insurance therein, and have paid to the treasurer of such corporation the sum of fifteen thousand dollars. This sum must be invested in bonds or securities, approved by the insurance commissioner of the state, or deposited in some bank in this state where it will earn interest. Said bonds or securities, or evidences of such deposit, must be placed, through the insurance commissioner of this state, with the state treasurer, and the principal sum must be held in trust for the contract holders of such corporation, with the right in the corporation to exchange said bonds, securities, or evidence of bank deposit for others of like value.

Guaranty
fund.

Certificate
of insurance
commis-
sioner.

Such corporation must also, as a condition precedent to issuing any contracts of insurance, obtain the written certificate of the insurance commissioner that it has complied with the requirements of this chapter: and that the name of the corporation is not the same as that of any other corporation of this or other states, as indicated by the insurance department reports in his office; nor must the commissioner approve any name or title so closely resembling another as to mislead the public. No corporation formed hereunder has legal existence after one year from the date of its articles unless its organization has been completed and business commenced; nor shall any corporation or individual solicit, or cause to be solicited, any business, until such corporation has complied with the provisions of section six hundred thirty-three of the Political Code. Nothing in the chapter shall be construed to exempt any corporation from the provisions of sections two hundred ninety-six and two hundred ninety-nine of this code.

CHAPTER 349.

An act to regulate the sale of agricultural minerals, and to provide penalties for the infraction thereof, and means for the enforcement of the act.

[Approved June 14, 1923.]

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

SECTION 1. This act shall be known and referred to as Title. "The California Agricultural Minerals Act of 1923."

SEC. 2. The term "agricultural mineral" as used in this "Agricultural mineral." act shall include any mineral substance, or mixture of mineral substances, or mixture of mineral and organic substances intended to be used for promoting or stimulating the growth of plants, increasing the productiveness of plants, or producing any chemical or physical change in the soil. Provided, Exemptions. that the provisions of this act shall not apply to the sale of any commercial fertilizer or material used for manurial purposes which is registered under the act, as amended, entitled, "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."

Provided, further, that the provisions of this act shall not apply to sales of agricultural minerals made to a registered manufacturer or producer of agricultural minerals, nor to sales for export outside of this state.

SEC. 3. Every lot, parcel, or package of agricultural Labels. mineral sold, offered, or exposed for sale, within this state, shall be accompanied by a plainly printed label, or descriptive tag, stating the name, brand, and trademark, if any there be, under which the agricultural mineral is sold, the name and address of the producer, manufacturer, importer, or dealer, the place of manufacture or production, and the chemical analysis, stating the percentages claimed to be therein, of each and every constituent claimed to be in said substance or mixture, and the minerals from which all of said constituents are derived. Chemical contents to be set forth.

In the case of agricultural minerals commonly known as limestone, limerock, chalk, dolomite, marl, oyster shells, shells, and every agricultural mineral, the principal constituent of which is calcium carbonate, the chemical analysis on the label shall state the percentage of calcium carbonate claimed to be therein.

In the case of agricultural minerals commonly known as burnt lime, quicklime, and every agricultural mineral, the principal constituent of which is calcium oxide, the chemical analysis on the label shall state the percentage of calcium oxide claimed to be therein.

In the case of agricultural minerals commonly known as hydrated lime, slaked lime, and every agricultural mineral, the principal constituent of which is calcium hydroxide, the chemical analysis on the label shall state the percentage of calcium hydroxide claimed to be therein.

In the case of agricultural minerals obtained as a by-product in the manufacture of sugar, acetylene, or other substances, the principal constituent of which is a compound of calcium, the chemical analysis on the label shall state the percentage of calcium claimed to be therein in terms of calcium carbonate, or of calcium hydroxide, or of calcium oxide.

In the case of agricultural minerals commonly known as gypsum, land plaster, plaster, and every agricultural mineral, the principal constituent of which is calcium sulphate, the chemical analysis on the label shall state the percentage of calcium sulphate claimed to be therein.

In the case of agricultural minerals commonly known as sulphur, brimstone, and every agricultural mineral, the principal constituent of which is sulphur, the chemical analysis on the label shall state the percentage of sulphur claimed to be therein.

In the case of agricultural minerals commonly known as phosphate rock, and every agricultural mineral, the principal constituent of which is calcium phosphate, the chemical analysis on the label shall state the percentage of phosphoric acid claimed to be therein in terms of phosphorus pentoxide.

In the case of every agricultural mineral not specifically mentioned in this section, the chemical analysis on the label shall state the percentages of all constituents claimed to be of agricultural value in terms or equivalents prescribed by the director of agriculture of the State of California.

In the case of every mixture of two or more agricultural minerals, the chemical analysis on the label shall state the percentage of each constituent in the manner prescribed in this section for each ingredient.

Certificate of registration.

SEC. 4. The producer, manufacturer, importer, agent of, or dealer in any agricultural mineral shall, before the same is offered for sale, obtain a certificate of registration from the director of agriculture of the State of California, authorizing the sale of agricultural minerals in this state, and shall securely fix to each lot, parcel, or package of agricultural minerals the word "Registered" with the number of registry. The producer, manufacturer, importer, agent, or dealer obtaining such registry, shall pay to the said director of agriculture the sum of fifty dollars (\$50), to be applied in carrying out the provisions of this act as provided in section ten 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.

Fee.

Annual statement.

Every such producer, 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 of agriculture, stating such name or brand, and stating the component parts in accordance with the provisions of section three of this act, of the substances to be sold, or offered for sale, or manufactured under each such name or brand.

SEC. 5. The director of agriculture, in person, or by his agents, shall take samples of agricultural minerals, make analysis or examination thereof, and make investigation concerning the use, sale, adulteration or misbranding of agricultural minerals at such times and to such extent as are necessary for the full enforcement of this act. The results of examination or chemical analysis of official samples of agricultural minerals shall be published by the director, and such additional information as to him may seem advisable.

Director of agriculture to take samples, investigate sales, etc.

Whenever the analysis of a sample of agricultural mineral shall show a deficiency in any constituent of not more than five per centum of the guaranteed total percentage of such constituent, the statement of the producer, manufacturer, importer, agent or dealer, as required in section three of this act, shall not be deemed false in the meaning of this act.

SEC. 6. The director of agriculture shall upon the receipt of a sample of agricultural mineral accompanied by the required fee, cause such analysis, examination or test to be made thereof, as will substantially establish the conformity or nonconformity of said sample to the guarantee under which it is sold or to be sold, and shall inform the sender thereof the results of all such analysis, examination or test. The schedule of all fees required for such analysis, examination or test shall be determined by the director of agriculture. All fees collected in such manner shall be applied as provided for in section four hereof.

Analysis of samples.

Fees.

SEC. 7. In order to further provide for the necessary expenses of this work, there shall be paid by the producer, manufacturer, importer, agent, or dealer, ten cents for every ton of agricultural mineral sold. A statement sworn to by the producer, manufacturer, importer, agent, or dealer, of such sales, shall be rendered quarterly to the director of agriculture, accompanied by the corresponding amount of special license fee as above specified; *provided*, that whenever the producer, manufacturer or importer shall have paid the special license fee herein required, for any person acting as agent or seller for such producer, 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 director of agriculture shall issue to the producer, manufacturer, importer, agent, or dealer, a certificate of compliance with this section.

Sales tax.

Quarterly statements.

Certificate of compliance.

SEC. 8. Any party selling, offering, or exposing for sale, any agricultural mineral without the statement required by section three of this act, or with a label stating that said agricultural mineral 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 five, 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 dollars (\$50), and costs of action for the first

Offenses and penalties.

offense, and one hundred dollars (\$100) 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.

Certificate of director of agriculture as evidence.

SEC. 9. In any action, civil or criminal, in any court in this state, a certificate under the hand of said director of agriculture, 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.

Power to cancel or refuse registration.

SEC. 10. The director of agriculture shall have the power, after hearing, to cancel the registration of, or to refuse to register, any agricultural mineral which has been shown to have little or no value for the purpose for which it is intended or to be used, or has been shown to be generally detrimental or seriously injurious to the growth or productiveness of plants.

CHAPTER 350.

An act to add a new section to the Political Code, to be numbered six hundred twenty-nine a, relating to group insurance by life insurance companies and valuation of group insurance policies.

[Approved June 14, 1923.]

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

SECTION 1. A new section is hereby added to the Political Code, to be numbered six hundred twenty-nine a and to read as follows:

Group plan policies.

629a. Any life insurance company may issue life or endowment insurance, with or without annuities, with special rates of premiums less than the usual rates of premiums for such insurance, upon the group plan, and may value policies of such insurance on any accepted table of mortality and interest assumption adopted by the company for that purpose; *provided*, in no case shall such standard be lower than the Medico-Actuarial Table of Mortality with interest assumption at three and one-half per centum. All policies of group insurance shall be segregated by the company into a separate class and the mortality experience kept separate. The number of policies, amount of insurance, reserves, premiums and payments to policy holders thereunder, together with the mortality table and interest assumption adopted by the company, shall be reported separately in the company's annual financial statement.

Annual financial statement.

CHAPTER 351.

An act to amend section six hundred twenty-nine of the Political Code, relating to valuation of policies of life insurance companies.

[Approved June 14, 1923.]

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

SECTION 1. Section six hundred twenty-nine of the Political Code is hereby amended to read as follows:

629. Every life insurance corporation organized under the laws of this state must, on or before the first day of February of each year, furnish the insurance commissioner the necessary data for determining the valuation of all its policies outstanding on the thirty-first day of December then next preceding. And every life insurance company organized under the laws of any other state or country, and doing business in this state, must, upon the written requisition of the commissioner, furnish him, at such time as he may designate, the requisite data for determining the valuation of all its policies then outstanding; such valuations must be based upon the rate of mortality established by the American experience life table, and interest at four and one-half per cent per annum on all outstanding risks written prior to January first, one thousand eight hundred ninety-two, and such valuations must be based upon the rate of mortality established by the combined experience or actuaries' table of mortality with interest at the rate of four per cent per annum on all outstanding risks written from and after the thirty-first day of December, A. D. one thousand eight hundred ninety-one, up to and including the thirty-first day of December one thousand nine hundred seven, and such valuations must be based upon the rate of mortality established by the American experience table of mortality with interest at the rate of three and one-half per cent per annum on all outstanding risks written from and after December thirty-first, one thousand nine hundred seven. When the laws of any other state or territory require of a life insurance company organized under the laws of this state a valuation of its outstanding policies by any standard of valuation different from that named in this section, the insurance commissioner is hereby authorized to make such valuation for use in such other state or territory, and to issue his certificate in accordance therewith. The commissioner of insurance may vary the standard of mortality in the case of contracts issued by corporations organized in this state in a country other than the United States, upon the lives of residents thereof, pursuant to authorization to do business in such other country and doing business therein, to a standard of mortality applicable to such other country.

Data for
determining
valuation
of policies.

Basis of
valuation.

CHAPTER 352.

An act to amend section six hundred two of the Political Code, relating to insolvency of insurance companies.

[Approved June 14, 1923.]

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

SECTION 1. Section six hundred two of the Political Code is hereby amended to read as follows:

What
constitutes
insolvency.

602. Whenever provisions for the liabilities of any company engaged in the business of fire, marine, or inland navigation insurance in this state, for losses reported, expenses, taxes, and reinsurance of all outstanding risks, estimated at fifty per cent of the premiums received and receivable on all fire risks and marine time risks, at the full premiums received and receivable on all other marine risks, would so far impair its capital paid in as to reduce the same below two hundred thousand dollars, or below seventy-five per cent of said capital paid in, such company is insolvent; and in case of a company engaged in such insurance in this state, on the mutual plan, if the available cash assets of such company shall not exceed its liabilities, as hereinbefore enumerated, in the full sum of two hundred thousand dollars, such company is insolvent; and wherever provision for the liabilities of any company engaged in the business of insuring anyone against loss or damage resulting from accident to or injury suffered by an employce or other person for which the person insured may be liable, for losses reported, expenses, taxes, and reinsurance of all outstanding risks estimated as provided in section six hundred two *a* of the Political Code would so far impair its capital paid in as to reduce the same below one hundred thousand dollars or below seventy-five per cent of said capital paid in, such company is insolvent; and whenever provision for the liabilities of any company engaged in any kind of insurance business in this state, other than life, liability, and insurance of titles to real estate, provided for in section five hundred ninety-four of the Political Code of this state, for losses reported, expenses, taxes, and reinsurance of all outstanding risks, estimated at such rates as are accepted by the insurance authorities of the state of New York, would so far impair its capital paid in as to reduce the same below one hundred thousand dollars, or below seventy-five per cent of said capital stock paid in, such company is insolvent; and in case of a company engaged in such insurance business in this state, on the mutual plan, if its available cash assets shall not exceed its liabilities, as hereinbefore enumerated, in the full sum of one hundred thousand dollars, such company is insolvent. In the case of a company engaged in the business of life insurance, whenever its liabilities for losses reported, expenses, taxes, and reinsurance of all its outstanding risks written prior to January first, one thousand eight hundred ninety-two at the rates based upon the American experience

table of mortality with interest at the rate of four and one-half per cent per annum, and reinsurance of all its outstanding risks written from and after the thirty-first day of December, one thousand eight hundred ninety-one, up to and including the thirty-first day of December, one thousand nine hundred seven, at rates based upon the combined experience or actuaries' table of mortality with interest at the rate of four per cent per annum, and reinsurance of all its outstanding risks written from and after December thirty-first, one thousand nine hundred seven, at rates based upon the American experience table of mortality with interest at the rate of three and one-half per cent per annum, excepting contracts issued in other countries than the United States, upon the lives of residents thereof by a company organized in this state, authorized to do business in any such other country and doing business therein, which shall be valued for reinsurance in accordance with the standard of mortality approved by the commissioner of insurance, as provided by law; excepting, also, group insurance which shall be valued for reinsurance as provided by law, exceeds its assets such company is insolvent. In the case of a company engaged in the business of insurance of the title to real estate, whenever provision for its liability for losses reported, expenses, and taxes, would after exhausting its surplus fund required by section four hundred thirty-two of the Civil Code, or otherwise, so far impair its capital stock paid in as to reduce the same below one hundred thousand dollars, or below seventy-five per cent of said capital paid in, such company is insolvent.

The provisions of this act shall not apply to life or fire insurance associations operating on the assessment plan or on the fraternal plan, or to any company operating under an act entitled "An act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, and all acts amendatory thereof.

Not applicable to what.

CHAPTER 353.

An act to amend the title of chapter eleven of title thirteen of part one of the Penal Code and sections five hundred forty-eight and five hundred forty-nine of the Penal Code, relating to crimes against insured property and insurance carriers.

[Approved June 14, 1923.]

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

SECTION 1. The title of chapter eleven of title thirteen of part one of the Penal Code is hereby amended to read as follows:

CHAPTER XI.

Sec. 2. Section five hundred forty-eight of the Penal Code is hereby amended to read as follows:

548. Every person who wilfully burns or in any other manner injures, destroys, secretes, abandons, or disposes of

Burning, destroying, etc., insured property.

any property which at the time is insured against loss or damage by fire, or theft, or embezzlement, or any casualty with intent to defraud or prejudice the insurer, whether the same be the property or in the possession of such person or any other person, is punishable by imprisonment in the state prison for not less than one year and not more than ten years.

SEC. 3. Section five hundred forty-nine of the Penal Code is hereby amended to read as follows:

Preparing,
etc., false
proof of loss.

549. Every person who presents or causes to be presented any false or fraudulent claim, or any proof in support of any such claim, upon any contract or policy of insurance or indemnity whatsoever for the payment of any loss, or who prepares, makes or subscribes any account, certificate of survey, affidavit or proof of loss, or other book, paper, or writing, with intent to present or use the same, or to allow it to be presented or used in support of any such claim, is punishable by imprisonment in the state prison not exceeding three years, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment.

CHAPTER 354.

An act to add a new section to the Political Code to be numbered six hundred thirty-three d, relating to the countersigning of insurance policies and surety bonds by representatives of the insurers resident in this state.

[Approved June 14, 1923.]

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

SECTION 1. A new section is hereby added to the Political Code, to be numbered six hundred thirty-three d and to read as follows:

Agent in
state to
approve
risks
countersign
policies, etc.

633d. No insurance company or other insurer, authorized to transact business in this state, shall make, write, place or cause to be made, written or placed, any policy or duplicate policy or general or floating policy or contract of indemnity or suretyship or renewal of any thereof covering risks located in this state at the time of execution of any such policy or contract, except through, or after a risk has been approved in writing by, an agent of the company residing in this state and regularly authorized to transact such business therein, who shall countersign all such policies or contracts of indemnity or suretyship or renewals of any thereof so issued, and receive or be credited with the premium thereon when paid, and who shall also receive any commission paid or allowed on such premium, and no such company or insurer shall by its officers, agents or managers, not residents of this state, write policies or contracts of insurance or suretyship covering risks located within this state at the time of the execution of the policy or contract upon blanks previously countersigned by an agent in this state.

Nothing in this act shall be construed to prevent any such insurance or surety company or other insurer authorized to transact business in this state, from binding at offices outside of this state risks covering in this state; *provided*, that policies or contracts therefor are thereafter issued by agents of said company or other insurer, who are residents of this state, as specified above, and who shall receive or be credited with the premium thereon when paid and who shall also receive any commission paid on such premium.

Companies or other insurers writing all policies issued and renewal certificates thereof at offices outside of this state shall be considered as complying with this section; *provided*, all policies and renewal certificates covering risks in this state are countersigned after being issued by an agent of the company or other insurer resident within this state, authorized to do so, who shall keep a record of policies and certificates, so countersigned, including the premium thereon, and such companies and other insurers shall in all respects comply with the conditions of this section.

No insurance or surety company or other insurer authorized to transact business in this state shall assume, as a reinsuring company or otherwise, in any manner or form whatsoever, the whole or any part of any risk or liability, covering risks in this state, of any insurance or surety company or other insurer not authorized to transact business in this state; *provided, however*, that nothing in this section shall prohibit any insurer legally authorized to do business in this state, from assuming in their entirety all of the outstanding risks and liabilities of any other insurer, covering within this state; *and provided, further*, that nothing herein shall require policies of reinsurance to be countersigned by a resident agent, if the policies so reinsured have been executed otherwise in accordance with the provisions of this section.

Reinsurance.

Nothing in this section shall be construed to prohibit any insurance or surety company or society or other insurer, or agent of such company, or society or other insurer, or broker or other person licensed under this title, from paying commission to another company, society, insurer, agent or insurance broker, or other person licensed under this title.

What not prohibited

No part of this section is intended to or shall apply to any insurance or insurance business as the same is classified in subdivisions numbered one, three and six of section five hundred ninety-four of the Political Code, nor to insurance covering on the interests of or property in the custody of railroad corporations and other common carriers engaged in interstate trade; nor shall this section apply to insurance contracts executed without this state but which during the term thereof temporarily cover risks within this state.

Section not applicable to, what.

The commissioner must require that all insurance or surety companies or other insurers shall include in the statements filed with said commissioner, as provided in section six hundred eleven, and at such other times as the commissioner may require, a declaration, verified as provided in section six

Declaration of compliance.

hundred ten, that the provisions of this section have not been violated.

Examination
by insurance
commis-
sioner.

Whenever the insurance commissioner shall have or receive information that any insurance or surety company or other insurer has violated any of the provisions of this section he shall examine same by himself or his deputies or by one deputized by him to do so, at the principal or any other office of such company or other insurer located in the United States of America. If upon such investigation it shall be found that the provisions of this section have been violated, the expense of the investigation shall be collected by the insurance commissioner from the company or insurer guilty of the violation. The refusal of any such company or insurer to submit to such examination, or to exhibit its books and records for inspection, shall be prima facie evidence that it has violated the provisions of this section and shall subject it to the penalties prescribed and imposed by this section.

Penalty.

Any insurance company or other insurer wilfully violating or failing to observe and comply with any of the provisions of this section, applicable thereto, shall be guilty of a misdemeanor and punishable by a fine of not exceeding five hundred dollars for each violation thereof, or the insurance commissioner may revoke the license of such company or other insurer for the remainder of the term covered by such license.

Actions
against in-
surance com-
missioner.

If at any time the insurance commissioner revokes or suspends the license theretofore issued to a company or other insurer, the company or other insurer whose license to do business in this state has been so revoked or suspended, may commence an action against the insurance commissioner for the purpose of reviewing the facts pertinent to the controversy and for the purpose of obtaining relief or canceling the act of the insurance commissioner. In any such action, the court shall have full power to investigate all the facts de novo, without regard to the determination previously made by the insurance commissioner. Pending final determination by the courts of such controversy, the right of the company or other insurer whose license to do business in the State of California has been revoked or suspended, shall remain unimpaired. All of the provisions of the Code of Civil Procedure relating to pleadings, proofs, trials, and appeals shall be applicable to such action.

Section not
applicable
to, what.

Nothing in this section shall apply to, refer to, or in any way affect reciprocal or interinsurance contracts, title insurance business, fraternal benefit societies, or county mutual fire insurance companies.

CHAPTER 355.

An act to amend section six hundred thirty-three of the Political Code, relating to the licensing of insurance and surety agents and solicitors.

[Approved June 14, 1923.]

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

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

633. No person shall within this state act as agent of any insurance or surety company, or other insurer until such person shall have first obtained a license from the insurance commissioner authorizing him so to act.

Licensing insurance and surety agents.

Any person duly appointed and authorized by an insurance or surety company, or other insurer to solicit applications for insurance or surety bonds, or effect insurance or surety bonds in the name of such company or other insurer shall be an agent within the meaning of this section. The insurance commissioner shall, upon written notice from any insurance or surety company or other insurer, authorized to transact business in this state, of the appointment of a person to act as its agent and upon payment of the fee provided for in section six hundred five of the Political Code, issue to such person a license in such form as may be prescribed by the insurance department; *provided, however*, that such proposed licensee shall first file with the insurance commissioner of the State of California a statement in writing by a duly authorized representative of the company or insurer which the agent seeks to represent, setting forth:

Application.

(a) The applicant is known to him;

(b) The applicant has had experience or instruction, or shall within thirty days from the issuance of his license, be given the necessary instruction in each of the kinds of insurance or surety bonds the applicant proposes to write under the license applied for;

(c) The nature of any business other than insurance or surety agent in which the applicant may be engaged and the name under which such business is conducted;

(d) The applicant is of good reputation;

(e) The applicant is worthy of a license; and the said licensee shall make answer under oath to such interrogatories as the insurance commissioner himself or through his deputies shall propound on forms prepared by the commissioner.

No license shall be issued until the commissioner has satisfied himself upon evidence presented and recorded as to the integrity of the applicant and that said applicant is qualified in the following respects to hold a license:

Qualifications to hold license.

(1) That the applicant is of good reputation;

(2) That the applicant has had experience or instruction in each of the kinds of insurance or surety bonds he proposes to write, or will be given the necessary instructions as afore-

said within thirty days after the issuance of said license, to the end that the interests of the insuring public and of the insurers may be reasonably served;

(3) That the applicant intends to engage in business as an insurance or surety agent to do an insurance or surety business with the general public and is not actuated principally in applying for a license by the prospect of insuring the health, life, interest or property of himself or that of relatives or employers, or of a single person or corporation, or procuring surety bonds thereon or therefor, nor for the procuring of surety bonds or the insuring of property other than any vehicle required by law to be registered with the state authorities as a condition precedent to its operation on the public highway, or interests therein of which he is himself or through his employer, or employers, as agent, vendor, custodian, bailee, trustee, payee, or otherwise interested or able to control the obtaining or placing of insurance or surety bonds therefor in whole or in part;

(4) That the applicant has never been refused a license or had a license revoked by any insurance department for reasons that should preclude the granting of the license applied for;

(5) That the applicant intends to carry on in good faith the business of an insurance or surety agent and that said applicant does not seek the appointment for the purpose of avoiding or preventing the operation or enforcement of the insurance laws of this state and that the granting of the license applied for will not be in violation of such laws either in letter or in spirit; *provided*, that no license shall be refused by the insurance commissioner without providing an opportunity to the applicant within thirty days to be heard and produce evidence in support of his application.

Grounds
for refusal
or revocation
of licenses.

If it shall be brought to the attention of the insurance commissioner or if written charges be filed with him showing that any agent licensed hereunder has wilfully misstated any material fact in his application, or that the purpose of applying for such license was to avoid or prevent the operation or enforcement of any antirebate law or any insurance law of this state, or that such agent licensed hereunder conducts his business in a dishonest manner or misrepresents the policies or contracts he sells or misrepresents the policies or contracts of other agents or companies or other insurers, or is incapable, or is conducting his business in such a manner as to cause injury to the public or those dealing with him, or if said agent or other person licensed hereunder obtained his license in an unfair manner or by concealment or misrepresentation, then the insurance commissioner shall give notice to such agent licensed hereunder and cite him to appear before the insurance commissioner and show cause why his license as an insurance or surety agent or other person licensed hereunder should not be suspended or revoked. If at the hearing of said order to show cause it should appear that said agent or other

person licensed hereunder has wilfully misstated any material fact in his application to the insurance commissioner, or that the purpose in applying for such license was to avoid or prevent the operation of any antirebate law or other insurance law of this state, or that such agent or other person licensed hereunder conducts his business in a dishonest manner or misrepresents the policies or contracts of other agents or companies, or other insurers, or is incapable, or is conducting his business in such a manner as to cause injury to the public or those dealing with him, or that said agent or other person licensed hereunder has obtained his license in an unfair manner or by concealment or misrepresentation, then the commissioner shall revoke or suspend for a period to be fixed by the commissioner the license of such agent licensed hereunder and shall notify the agent or other person licensed hereunder and the company or other insurer such agent represents of the revocation or suspension.

If at any time the commissioner revokes or suspends the license theretofore issued to any agent licensed hereunder, or refuses to grant a license, the applicant or the agent or other person licensed hereunder may commence an action against the insurance commissioner for the purpose of reviewing the facts pertinent to the controversy and for the purpose of obtaining relief or cancelling the act of the insurance commissioner. In any such action the court shall have full power to investigate all the facts de novo without regard to the determination previously made by the insurance commissioner.

Actions
against in-
surance com-
missioner.

All of the provisions of the Code of Civil Procedure relating to pleadings, proofs, trials and appeals shall be applicable to such action.

Such action shall be commenced and tried in the superior court of the county in which such agent or other person licensed hereunder resides unless the parties thereto stipulate otherwise.

Unless revoked by the commissioner, or unless the company or other insurer by written notice to the commissioner cancels the authority of the agent or other person licensed hereunder to act, the license or any renewal thereof shall expire on the first day of July next after its issue or renewal. Any license issued after this section takes effect, may in the discretion of the insurance commissioner, be renewed for a succeeding year by a renewal certificate without the commissioner requiring the detailed information required by this section.

Expiration
of licenses.

Any person who shall act or offer to act or assume to act as an insurance or surety agent or other person required to be licensed hereunder, unless licensed by the insurance commissioner as provided in this section, or after such license granted to him has been suspended or revoked, unless proceedings are pending in the courts to review the act of the commissioner, shall be guilty of a misdemeanor.

Penalties.

Nothing in this section shall be construed to apply to, refer to, or affect county mutual fire insurance companies or

Not to apply
to, what.

their agents, or title insurance business, or fraternal benefit societies or their solicitors or agents, or regularly licensed reciprocal or interinsurance exchanges or their attorneys or agents or employees.

CHAPTER 356.

An act to amend section six hundred thirty-three b, of the Political Code, concerning insurance and surety companies, agents and brokers, requiring that policies or contracts of insurance, or surety bonds shall show the correct premium consideration and the risks insured thereunder; prohibiting the giving or receiving of rebates on insurance or surety bonds and providing penalty therefor, and for the suspension of certificate of authority of any insurance or surety company and the revoking or suspension of the license of any agent or broker violating the same, and prescribing the powers and duties of the insurance commissioner in relation thereto and providing a penalty for misrepresenting the pay roll upon which an insurance premium is based or for accepting a pay roll, which is known to be false, upon which a premium is based, and restricting the time of credit for the payment of premiums.

[Approved June 14, 1923.]

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

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

Policy must contain true statement of premium and risk.

633b. No insurance or surety company or society or other insurer, nor any agent thereof, shall insure any risk in this state, nor shall any agent or broker assist in arranging any such insurance, the policy or contract for which does not contain a true and correct statement of the premium consideration paid or to be paid therefor, and of the risk covered for such premium consideration; *provided, however*, that if the insurance be of a character where the exact premium is only determinable upon the termination of the policy or contract, such policy or contract must contain a true and correct statement of the basis and rates upon which the said final premium or consideration is to be determined and paid, and of the risk covered for such premium consideration.

Covering notes.

This section shall not be construed to prohibit the use of covering notes to temporarily bind insurance or surety bonds pending the issuance of the policy or contract; *provided*, that for every such covering note so used, within ninety days thereafter a policy or contract shall be issued in lieu thereof, including within its terms the identical insurance protected under said covering note and premium consideration paid or to be paid therefor.

Rebates prohibited.

No insurance or surety company or society or other insurer, by itself or by any other party, and no agent, or insurance broker, or other person licensed under this title, personally

or by any other party, shall offer, promise, allow, give, set off or pay, directly or indirectly, as an inducement to insurance on any risk in this state, now or hereafter to be written, any rebate of or part of the premium payable on the policy or contract of insurance or surety bond, or of the agent's or broker's commission thereon; nor shall any such company, or society, or other insurer, agent, or broker, or other person licensed under this title, personally or otherwise, offer, promise, allow, give, set off, or pay, directly or indirectly as an inducement to such insurance, any earnings, profits, dividends, or other benefit, founded, arising, accruing, or to accrue, on such insurance or surety bond, or therefrom, or any other valuable consideration which is not clearly specified, promised or provided for in the policy or contract of insurance, or in the application for such surety bond.

Any person or party named as the insured in any policy or named as the principal, or obligee, in any surety bond or their agents or representatives who shall, directly or indirectly, knowingly accept or receive any such rebate from the premium specified in a policy or in the application for a surety bond shall be guilty of a violation of this section and shall be punishable therefor as follows: Penalty.

Any employer who, himself, or knowingly through one employed by him, shall obtain or receive or agree to obtain or receive a rebate by wilfully misrepresenting the amount or segregation of pay roll upon which the premium under a compensation or other casualty form of policy is to be based, shall be guilty of a misdemeanor and be liable to the state in ten (10) times the amount of the difference in premium paid and the amount the employer should have paid had his pay roll been correctly computed, and the liability to the state under this section shall be enforced by a civil action in the name of the insurance commissioner and shall be collected by the commissioner. Any person or party who shall in any other manner knowingly receive or obtain a rebate of premium shall be guilty of a misdemeanor and shall, upon conviction, be fined three (3) times the amount of such rebate for each offense or be imprisoned in the county jail for a period of not exceeding thirty (30) days or both. Obtaining or receiving rebates

Nothing in this section shall be construed to prevent an insurer, issuing policies on a participating plan, from returning any portion of the premium as a dividend after the expiration of the term covered by such policy; *provided*, that a life insurance company issuing policies on a participating plan may return any portion of the premium as a dividend at any time.

Nothing in this section shall be construed to prohibit any insurance or surety company or society or other insurer, or agent for such company or society or other insurer, or broker or other person licensed under this title, from paying commission to another company, society, insurer, agent, or insurance broker, or other person licensed under this title, nor shall this section be construed to prohibit any marine insurance company, agent, or broker or other person licensed under this title, Commission.

Discount on marine insurance.

from allowing any insured, such usual discount as is sanctioned by custom among marine insurers as being additional to the agent's or broker's commission, but this exemption shall in no wise operate to relieve marine insurance in any other respect from the full operation of this section.

The paying or allowing of any commission or other valuable consideration on insurance or surety business or risks in this state to other than an insurance or surety company or other insurer authorized to transact an insurance or surety business under the laws of this state or to an insurance or surety agent or insurance broker or other person licensed under this title shall be a violation of this section.

Agent's
commission
on own
insurance.

This section, except as heretofore specifically provided, shall not be construed to prevent any insurance or surety company or other insurer from paying to another insurance or surety company or other insurer, or to an agent or broker, or other person licensed under this title, or to prevent any insurance or surety company or other insurer or such an agent or broker, or other person licensed under this title, from receiving a commission in respect to any policy under which it, itself, or he, himself, is insured.

Bonuses.

Nothing in this section shall be so construed as to prohibit any company issuing nonparticipating life insurance from paying bonuses to policyholders or otherwise abating their premiums, in whole or in part out of surplus accumulated from nonparticipating insurance; nor to prohibit any company transacting industrial insurance on the weekly payment plan from returning to policyholders who have made premium payments for a period of at least one year directly to the company at its home or district offices, a percentage of the premium which the company would have paid for the weekly collection of such premiums. This section shall not be construed to prevent any life insurance company paying, or contract holders receiving special compensations, or allowing and receiving credits already agreed upon in contracts now in force.

The acceptance, by an insurance company, society or other insurer, through one employed by it in a managerial capacity, of a statement, known to be materially false, of the amount or segregation of pay roll upon which the premium under a compensation or other casualty form is to be based, shall be a violation of this section.

Credit
without
interest.

The allowing of credit, without interest at current rates extending the time of paying premiums beyond sixty days after the end of the month in which an insurance policy or surety bond (but not covering notes) becomes effective shall be construed as a rebate under this section; except, however, in cases where the policy or bond is not delivered within fifty (50) days after the end of the month in which it becomes effective, in which case there may be a credit without interest for ten (10) days after the end of the month in which delivery of such policy or bond is made, and also, except in cases where, by the terms of the policy or bond, the premium or any part

thereof is not due when the policy or bond becomes effective, in which case a credit of sixty (60) days without interest may be allowed after the end of the month in which the premium becomes due.

If the premium be paid by the insured named in a policy or the principal or obligee, named in a surety bond to an agent or broker authorized to receive same, within the time required herein, such payment shall be deemed a compliance with the provisions of this section by such insured named in a policy or the principal or obligee named in a surety bond.

No person shall be excused from testifying or from producing any books, papers, contracts, agreements or documents at the trial or hearing of any person or company, association or society or other insurer charged with violating any provisions of this section, on the ground that such testimony or evidence may tend to incriminate himself, but no person shall be prosecuted for any act concerning which he shall be compelled so to testify or produce evidence, documentary or otherwise, except for perjury committed in so testifying.

Incriminating testimony.

Every insurance company or society or other insurer shall be charged with full responsibility to exercise reasonable diligence for the observance of this section by its agents and it shall be unlawful for any insurance or surety company or other insurer to appoint as its agent any person, firm or corporation, or the employee or nominee of said person, firm, or corporation, for the purpose of enabling such person, firm or corporation to obtain a policy or contract of insurance at a cost less than that specified in any policy or contract of insurance issued to such person, firm or corporation, or at a cost less than that specified in any application for any surety bond issued in behalf of such person, firm or corporation.

Responsibility of company.

Any officer or employee of any insurance or surety company or society, or other insurer, or any agent or broker, or any officer or employee of such agent or broker who violates any of the provisions of this section shall be guilty of a misdemeanor. Upon it being proven to the insurance commissioner after a hearing upon reasonable notice to the accused of the time and place of such hearing that any insurance or surety company or society or other insurer shall knowingly have violated any of the provisions of this act, or shall knowingly have permitted any officer, managerial agent, or managerial employee, to violate any of the provisions of this act, he shall have authority to suspend the certificate of authority of such insurance or surety company or society or other insurer to do the kind of business in which the violation of the provisions of this act occurred.

Penalty.

Suspension of certificate.

And the insurance commissioner shall have authority to suspend or revoke the license issued to any agent or broker or other person on its being proven to him, after hearing, that such agent or broker or other person has knowingly and wilfully violated any of the provisions of this act.

Suspension, etc., of license.

If at any time the insurance commissioner suspends the certificate of authority theretofore granted to any insurance or

Action against insurance commissioner.

surety company or other insurer, or revokes or suspends the license theretofore granted to any broker or agent or other person or refuses to grant a certificate of authority to any insurance or surety company or other insurer, or license to any broker or agent or other person, any interested person or company or insurer, may commence an action against the insurance commissioner for the purpose of reviewing the facts and the law pertinent to the controversy and for the purpose of obtaining the relief refused or for canceling the action of the commissioner. In any such action the court shall have full power to investigate all facts de novo, without regard to the determination previously made by the commissioner. In the trial of such actions all of the provisions of the Code of Civil Procedure, shall be applicable. Such actions shall be commenced and tried in the superior court of the county in which such insurance or surety company or society has its principal place of business in this state, or in which such broker or agent or other person resides, unless the parties thereto stipulate otherwise.

Not applicable to, what.

Nothing in this section shall apply to, refer to, or in any way affect reciprocal or interinsurance contracts, title insurance business, fraternal benefit societies, or county mutual fire insurance companies.

CHAPTER 357.

An act to amend section six hundred thirty-three a of the Political Code, relating to licensing of insurance and surety brokers.

[Approved June 14, 1923.]

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

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

Licensing insurance brokers.

633a. No person, firm or corporation shall within this state act as an insurance broker until such person, firm or corporation shall have first obtained a license from the insurance commissioner authorizing him or it so to act.

Who are insurance brokers

Any person, firm or corporation, other than an insurance or surety company or society, or other insurer, or agent of such company or society or other insurer, or employee compensated by salary only and acting on behalf of such company or society or other insurer, or agent, or a medical examiner for a life insurance company or society, who for compensation acts or aids in any manner in negotiating contracts of insurance or surety bonds or reinsurance or placing risks, or effecting insurance or reinsurance for a party other than himself or itself, shall be an insurance broker within the meaning of this section.

Fee and bond

The insurance commissioner shall upon the payment of the fee provided for in section six hundred five of the Political Code, and the filing with the commissioner of insurance of a satisfactory bond to the people of the State of California

duly executed by a sufficient surety, or sureties, to be approved by said commissioner, in the amount of one thousand dollars (\$1,000), conditioned for the payment by such broker to the insurance carrier, or carriers, or any other person entitled thereto of premiums collected by such broker for insurance negotiated or to be negotiated by him, issue to a person, firm or corporation, engaged steadily in business in this state, or who proposes to so engage, a license to act as an insurance broker to negotiate contracts of insurance or surety bonds or reinsurance, or place risks, or effect insurance or surety bonds or reinsurance, with any insurance or surety company or society or other insurer authorized to transact such business within this state, or with its agent, or with another broker, *provided, however*, that such proposed licensee shall first file with the insurance commissioner of the State of California upon a form to be prescribed and furnished by said insurance commissioner, an application in writing duly verified under oath, reciting:

First—The applicant's full name and address;

Second—The applicant's experience in the insurance or surety business;

Third—If the applicant is engaged in any other business than insurance brokerage, the nature of such business and the name under which it is conducted;

Fourth—If the applicant be a copartnership, the names of the partners comprising such copartnership, or if the applicant be a corporation, the names of the officers and principal stockholders thereof;

Fifth—That the applicant intends to steadily carry on in good faith the occupation of an insurance broker, and that said applicant does not seek a license as an insurance broker for the purpose of avoiding or preventing the operation or enforcement of the insurance laws of this state.

Such proposed licensee shall also file with the insurance commissioner of the State of California a statement of an insurance broker or an official or other representative of an insurance or surety company or other insurer, licensed to transact business in this state, setting forth:

(a) The applicant is known to him and is engaged steadily, or intends to so engage, in the occupation of an insurance broker;

(b) The applicant has a reasonable knowledge of the insurance and/or surety bond business and particularly of the kinds of contracts he intends to negotiate;

(c) The applicant is of a good reputation;

(d) The applicant is worthy of a license;

and the said licensee shall make answer under oath to such interrogatories as the insurance commissioner himself, or through his deputies or persons designated by him, shall propound on forms prepared by the commissioner.

No license shall be issued until the commissioner has satisfied himself from the evidence produced and recorded as to

Application.

Recommendation.

Interrogatories.

Qualifications for license.

the integrity of the applicant, and that said applicant is qualified to hold a license in the following respects:

(1) That the applicant is of good reputation;

(2) That he has a reasonable knowledge of the insurance and/or surety bond business and of the coverage afforded under policies or surety bonds the applicant intends to negotiate, to the end that the interests of the insuring public and of insurers may be reasonably served;

(3) That the applicant intends to engage in business as an insurance broker, to do an insurance brokerage business with the general public, and is not actuated principally in applying for a license by the prospect of insuring the health, life, interest or property of himself or that of relatives or employers or of a single person or corporation or procure surety bonds thereon or therefor, nor the procuring of surety bonds or the insuring of property or interest of which he is himself or through his employer or employers as agent, vendor, custodian, bailee, trustee, payee, or otherwise interested or able to control the obtaining or placing of insurance or surety bonds thereon or therefor, in whole or in part;

(4) That the applicant has never been refused a license or had a license revoked by any insurance department for reasons that should preclude the granting of the license applied for;

(5) That the applicant intends to carry on in good faith the business of an insurance broker and that said applicant does not seek a license as an insurance broker for the purpose of avoiding or perverting the operation or enforcement of the insurance laws of this state and that the granting of the license applied for will not be in violation of such laws either in letter or in spirit: *provided*, that no license shall be refused by the insurance commissioner without providing an opportunity to the applicant within thirty days to be heard and produce evidence in support of his application.

Representatives of broker.

In case an insurance broker's license is issued to an individual or a firm, association or corporation, the applicant shall specify all officers, members, partners, or employees who are actively engaged in selling or soliciting insurance or surety bonds for such broker and who may desire to solicit or sell insurance or surety bonds under such license and they shall satisfy the commissioner as to their qualifications.

Supervision or revocation of license.

If it shall be brought to the attention of the insurance commissioner, or if written charges be filed with him, showing that any broker licensed hereunder has wilfully misstated any material fact in his application, or that the purpose of applying for such license was to avoid or prevent the operation or enforcement of any antirebate law or any insurance law of this state, or that such broker conducts his business in a dishonest manner or misrepresents the policies or contracts he sells or misrepresents the policies or contracts of agents or companies or other insurers, or is incapable, or is conducting his business in such a manner as to cause injury to the public or those dealing with him, or if said broker licensed hereunder obtained his license in an unfair manner or by concealment

or misrepresentation, then the insurance commissioner shall give notice to such broker and cite him to appear before the insurance commissioner and show cause why his license as an insurance broker should not be suspended or revoked. If at the hearing of said order to show cause it should appear that said broker has wilfully misstated any material fact in his application to the insurance commissioner, or that the purpose in applying for such license was to avoid or prevent the operation of any antirebate law or other insurance law of this state, or that such broker conducts his business in a dishonest manner or misrepresents the policies or contracts of agents or companies or other insurers, or is incapable, or is conducting his business in such a manner as to cause injury to the public or those dealing with him, or that said broker has obtained his license in an unfair manner or by concealment or misrepresentation, then the commissioner shall revoke or suspend for a period to be fixed by the commissioner, the license of such broker and shall notify the broker of the revocation or suspension, and shall publish a notice of the revocation or suspension of the license of such broker in such a manner as he deems proper for the protection of the public.

If at any time the commissioner revokes or suspends the license theretofore issued to a broker licensed hereunder or refuses to grant a license, the applicant, or the broker, may commence an action against the insurance commissioner for the purpose of reviewing the facts pertinent to the controversy and for the purpose of obtaining relief or canceling the act of the insurance commissioner. In any such action the court shall have full power to investigate all the facts de novo without regard to the determination previously made by the insurance commissioner. All of the provisions of the Code of Civil Procedure relating to pleadings, proofs, trials, and appeals shall be applicable to such action.

Action
against
insurance
commis-
sioner.

Such action shall be commenced and tried in the superior court of the county in which such broker or other person licensed hereunder resides unless the parties thereto stipulate otherwise.

The insurance commissioner shall upon application issue to nonresident insurance brokers engaged steadily in business in this state a license to transact an insurance brokerage business in this state subject to the same qualifications, requirements, restrictions and fees as provided for resident insurance brokers; *provided*, such application for a nonresident insurance broker's license is from an insurance broker whose head office is in a state that does not prohibit insurance brokers of this state from engaging in the insurance brokerage business in such state.

Nonresident
insurance
brokers'
licenses.

Unless revoked by the commissioner, the license or any renewal thereof, shall expire on the first day of July next after its issue or renewal. After this section takes effect, any license issued on an application as hereinbefore provided may in the discretion of the insurance commissioner be renewed for a succeeding year by a renewal certificate without the

Expiration
and renewal
of licenses

commissioner requiring the detailed information required by this section.

Acting
without
license.

Any person who shall act or offer to act or assume to act as an insurance broker, unless licensed by the insurance commissioner as provided in this section, or after such license has been suspended or revoked, unless proceedings are pending in the courts to review the act of the commissioner, shall be guilty of a misdemeanor.

Not
applicable
to what.

Nothing in this section shall apply to, refer to, or in any way affect county mutual fire insurance companies or their agents, or title insurance business, or fraternal benefit societies, or the business of reciprocal or interinsurance, or the agents or employees or brokers of reciprocal or interinsurance exchanges.

CHAPTER 358.

An act to amend section ten of an act entitled "An act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, as amended.

[Approved June 14, 1923.]

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

Stats. 1921,
p 1580,
amended.

SECTION 1. Section ten of an act entitled "An act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, as amended, is hereby amended to read as follows:

Insuring
outside
county or
in city.

Sec. 10. No such company shall insure any property beyond the limits of the county wherein the said company is organized, excepting that the company may insure in any county next adjoining the county wherein such company is organized. No such company shall issue policies covering on property in excess of six thousand dollars on any one risk or hazard under one or more policies, without immediately reinsuring the excess amount in some other company. Nor shall any such company assume a risk or risks on property situated in the limits of any city or town, or within any closely built up district, within any one block, without immediately reinsuring all in excess of six thousand dollars. Any such company may reinsure or accept reinsurance in any company operating under the provisions of this act or in any company organized for the purpose of providing reinsurance for county mutual fire insurance companies or under any agreement for mutual reinsurance between two or more county mutual fire insurance companies, but in no case shall the reinsurance taken by any one company exceed the amount of the risk written by the company originating the business. The character of, and number of risks reinsured shall not vary from that permitted in the case of original insurance. Where the amount of insurance covered by policies already written amounts to six thousand dollars, no additional insurance shall

be written by such company on farm property, within a radius of one hundred feet and such radius shall continue at not less than seventy-five feet during the life of the policy unless covered by reinsurance, nor shall any risk be taken on any building closer than one hundred feet to any business property, nor shall any insurance be written by any such company on city or country property in excess of seventy-five per cent of its actual cash value and no additional insurance shall be allowed.

For the purpose of this act "a city or town block" shall be construed to be an area having at least one frontage in a closely built up district fronting on a used public street or highway, surrounded on all sides by a clear space at least equal in width to the clear space of such public street or highway and containing an area of not more than one hundred sixty thousand square feet.

"Closely built up district" shall mean territory on the line of a public highway or street or block or blocks where for not less than a quarter of a mile the dwelling houses and business structures average less than one hundred feet apart.

"One risk" means one hazard under one or more policies, subject to one fire and relates to the amount named in the policy or policies.

"Clear space" means space free from combustible material likely to communicate fire.

CHAPTER 359.

An act granting to the city and county of San Francisco certain lands of the State of California located in the city and county of San Francisco, upon certain trusts and conditions.

[Approved June 14, 1923.]

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

SECTION 1. There is hereby granted to the city and county of San Francisco all of the right, title and interest of the State of California held by said state by virtue of its sovereignty in and to the following described parcels of real property situate in the city and county of San Francisco, in said state, and described as follows, to wit:

Parcel number one. All of tide land block number nine hundred one, originally known as tide land block number eight, bounded and described as follows, to wit: Commencing at the point of intersection of the northerly line of Lewis street with the easterly line of Lyon street; running thence easterly along the northerly line of Lewis street one hundred ninety-five (195) feet, eleven and one-half (11½) inches; thence at right angles northerly two hundred (200) feet; thence at right angles westerly one hundred eighty-eight (188) feet, seven and five-eighths (7⅞) inches; thence southerly two hundred (200)

Certain
state lands
granted to
San
Francisco

Certain
state lands
granted to
San
Francisco.

feet, one and five-eighths ($1\frac{5}{8}$) inches to the northerly line of Lewis street and point of commencement.

Parcel number two. Commencing at a point on the northerly line of Lewis street distant thereon one hundred ninety-five (195) feet, eleven and one-half ($11\frac{1}{2}$) inches easterly from the easterly line of Lyon street; thence running easterly along said northerly line of Lewis street sixty-four (64) feet; thence at right angles northerly two hundred (200) feet; thence at right angles westerly sixty-four (64) feet; thence at right angles southerly two hundred (200) feet to the northerly line of Lewis street and point of commencement.

Parcel number three. Western addition block number five hundred sixteen, bounded on the north by Lewis street, on the east by Broderick street, on the south by Tonquin street and on the west by Baker street.

Parcel number four. Western addition block number five hundred sixty-one, bounded on the north by Lewis street, on the east by Baker street, on the south by Tonquin street and on the west by Lyon street.

Parcel number five. All of tide land block number nine hundred three originally known as tide land block number six, the dimensions of said block being three hundred eighty-eight (388) feet, one and one-half ($1\frac{1}{2}$) inches east and west and two hundred (200) feet north and south.

Parcel number six. All of tide land block number nine hundred two originally known as tide land block number seven. The dimensions of this block are three hundred eighty-one (381) feet, three (3) inches east and west by two hundred (200) feet north and south.

Parcel number seven. Block number nine hundred seven, originally known as western addition block number five hundred sixty, bounded on the north by Lewis street, on the east by Broderick street, on the south by Tonquin street and on the west by Baker street.

Parcel number eight. Block number nine hundred six, originally known as western addition block number four hundred eighty-one, bounded on the north by Lewis street, on the east by Divisadero street; on the south by Tonquin street, and on the west by Broderick street. the dimensions of said block being four hundred twelve (412) feet and six (6) inches east and west by two hundred seventy-five (275) feet north and south.

Parcel number nine. Block number nine hundred five, originally known as western addition block number four hundred eighty, bounded on the north by Lewis street, on the east by Scott street, on the south by Tonquin street, and on the west by Divisadero street; the dimensions of said block being four hundred twelve (412) feet, six (6) inches east and west, by two hundred seventy-five (275) feet north and south.

Parcel number ten. Commencing at the point of intersection of the northerly line of Lewis street with the westerly line of Scott street; running thence northerly along the westerly line of Scott street two hundred (200) feet to the water

line front as established by the board of state tide land commissioners; thence westerly along said water line front three hundred eighty-one (381) feet three (3) inches to the easterly line of Divisadero street; thence southerly along the easterly line of Divisadero street two hundred (200) feet to the northerly line of Lewis street; thence easterly along the northerly line of Lewis street three hundred eighty-one (381) feet three (3) inches to the point of commencement. Being all of block five (5) of tide lands north of Lewis street. (New western addition block number eight hundred ninety-six (896).

Certain
state lands
granted to
San
Francisco.

Parcel number eleven. Block bounded on the north by Lewis street, on the west by Pierce street, on the south by Tonquin street, and on the east by Steiner street. Being all of western addition block number four hundred seven (407).

Parcel number twelve. Block bounded on the north by Lewis street, on the west by Scott street, on the south by Tonquin street, and on the east by Pierce street. Being all of western addition block number four hundred eight (408).

Parcel number thirteen. Commencing at the point of intersection of the northerly line of Lewis street with the westerly line of Steiner street; running thence northerly along the westerly line of Steiner street two hundred (200) feet to the water line front as established by the board of state tide land commissioners; thence westerly along said water line front three hundred eighty-one (381) feet three (3) inches to the easterly line of Pierce street; thence southerly along the easterly line of Pierce street two hundred (200) feet to the northerly line of Lewis street; thence easterly along the northerly line of Lewis street three hundred eighty-one (381) feet three (3) inches to the point of commencement. Being all of block three (3) of tide lands north of Lewis street. (New western addition block number eight hundred ten (810).

Parcel number fourteen. Commencing at the point of intersection of the northerly line of Lewis street with the westerly line of Pierce street; running thence northerly along the westerly line of Pierce street two hundred (200) feet to the water line front as established by the board of state tide land commissioners; thence westerly along said water line front three hundred eighty-one (381) feet three (3) inches to the easterly line of Scott street; thence southerly along the easterly line of Scott street two hundred (200) feet to the northerly line of Lewis street; thence easterly along the northerly line of Lewis street three hundred eighty-one (381) feet three (3) inches to the point of commencement. Being all of block four (4) of tide lands north of Lewis street. (New western addition block number eight hundred fifty-three (853).

All of said real property above described and hereby granted shall be forever held by the said city and county of San Francisco, and by its successors, in trust for the uses and purposes and upon the express conditions following, to wit: Said real property shall be used solely for the purposes of a public park and boulevard, to which the public at all times shall have free access, and said city and county of San Francisco shall not

Use of
land.

at any time grant, convey, lease, give, or alien, said real property or any part thereof to any individual, firm or corporation whatever.

CHAPTER 360.

An act to amend section one hundred sixty-four of the Civil Code, relating to community property.

[Approved June 14, 1923.]

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

SECTION 1. Section one hundred sixty-four of the Civil Code is hereby amended to read as follows:

Community
property.

164. All other property acquired after marriage by either husband or wife, or both, including real property situated in this state, and personal property wherever situated, heretofore or hereafter acquired while domiciled elsewhere, which would not have been the separate property of either if acquired while domiciled in this state, is community property; but whenever any property is conveyed to a married woman by an instrument in writing, the presumption is that the title is thereby vested in her as her separate property. And in case the conveyance is to such married woman and to her husband, or to her and any other person, the presumption is that the married woman takes the part conveyed to her, as tenant in common, unless a different intention is expressed in the instrument, and the presumption in this section mentioned is conclusive in favor of a purchaser or encumbrancer in good faith and for a valuable consideration. And in cases where a married woman has conveyed, or shall hereafter convey, real property which she acquired prior to May nineteenth, one thousand eight hundred eighty-nine, the husband, or his heirs or assigns, of such married woman, shall be barred from commencing or maintaining any action to show that said real property was community property, or to recover said real property, as follows: As to conveyances heretofore made, from and after one year from the date of the taking effect of this act; and as to conveyances hereafter made, from and after one year from the filing for record in the recorder's office of such conveyances, respectively.

Conveyance
of real
property to
and by
married
women.

Limitation
on actions.

CHAPTER 361.

An act to amend section three hundred of the Code of Civil Procedure, relating to disbarred and suspended attorneys.

[Approved June 14, 1923.]

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

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

300. No person who has been an attorney and counsellor shall, while a judgment of disbarment or suspension is in force, appear on his own behalf as plaintiff in the prosecution of any action where the subject of said action has been assigned to him subsequent to the entry of the judgment of disbarment or suspension.

Disbarred
attorney as
plaintiff.

CHAPTER 362.

An act to amend section four hundred sixty of the Penal Code relating to the degrees of burglary.

[Approved June 14, 1923.]

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

SECTION 1. Section four hundred sixty of the Penal Code is hereby amended to read as follows:

460. 1. Every burglary of an inhabited dwelling house or building committed in the night time, and every burglary whether in the day time or night time, committed by a person armed with a deadly weapon, or who while in the commission of such burglary arms himself with a deadly weapon, or who while in the commission of such burglary assaults any person, is burglary of the first degree.

Burglary
defined.

2. All other kinds of burglary are of the second degree.

3. This section shall not be construed to supersede or affect section four hundred sixty-four of the Penal Code.

CHAPTER 363.

An act to amend section five hundred two and one-half of the Penal Code, relating to the removal of improvements from mortgaged or encumbered real property.

[Approved June 14, 1923.]

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

SECTION 1. Section five hundred two and one-half of the Penal Code is hereby amended to read as follows:

502½. Every person who, after mortgaging or encumbering by deed of trust any real property, and during the existence of such mortgage or deed of trust, or after such mortgaged or encumbered property shall have been sold under an order and decree of foreclosure or at trustee's sale, and with intent to defraud or injure the mortgagee or the beneficiary or trustee, under such deed of trust, his representatives, successors or assigns, or the purchaser of such mortgaged or encumbered premises at such foreclosure or trustee's sale, his representatives, successors or assigns, takes, removes or carries away from such mortgaged or encumbered premises, or otherwise disposes of or permits the taking, removal or carrying away or otherwise disposing of any house, barn, windmill, water tank, pump, engine or other part of the freehold that is attached

Removal of
improvements from
mortgaged
real property.

or affixed to such premises as an improvement thereon, without the written consent of the mortgagee or beneficiary, under deed of trust, his representatives, successors or assigns, or the purchaser at such foreclosure or trustee's sale, his representatives, successors or assigns, is guilty of larceny and shall be punished accordingly.

CHAPTER 364.

An act to amend section nine hundred fifty-three c of the Code of Civil Procedure, relating to record on appeal.

[Approved June 14, 1923.]

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

SECTION 1. Section 953c of the Code of Civil Procedure is hereby amended to read as follows:

953c. Where the appeal is taken from judgment, orders or decrees of the superior court to supreme court or district court of appeal, the appellant elects to avail himself of the provisions of the three preceding sections, it shall be the duty of the clerk of the court from which the appeal is taken, within ten days after the preparation of the record, to transmit to the clerk of the court to which the appeal is taken, the record prepared in accordance with the provisions of the two preceding sections. Said records shall be filed with the clerk of the court to which the appeal is taken and no transcript thereof need be printed. In filing briefs on said appeal the parties must, however, print in their briefs, or in a supplement appended thereto, such portions of the record as they desire to call to the attention of the court.

The court may in all cases, upon good cause shown, extend time to a party to print and file his brief, provided that the application is made before calling of the calendar for oral argument on the appeal or upon good cause being shown the court may extend time to a party to print and file a supplemental brief.

CHAPTER 365.

An act to amend section nine hundred seventy-eight of the Code of Civil Procedure relating to undertaking on appeal in justice's court.

[Approved June 14, 1923.]

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

SECTION 1. Section nine hundred seventy-eight of the Code of Civil Procedure is amended to read as follows:

978. An appeal from a justice's or police court is not effectual for any purpose, unless an undertaking be filed with two or more sureties in the sum of one hundred dollars for the payment of the costs on the appeal, or, if a stay of

Clerk to transmit record on appeal.

Extension of time for filing briefs.

Undertaking on appeal.

proceedings be claimed, in the sum of one hundred dollars plus a sum equal to twice the amount of the judgment, including costs, when the judgment is for the payment of money; or plus twice the value of the property including costs, when the judgment is for the recovery of specific personal property; and must be conditioned, when the action is for the recovery of money, that the appellant will pay the amount of the judgment appealed from, and all costs, if the appeal be withdrawn or dismissed, or the amount of any judgment and all costs that may be recovered against him in the action in the superior court. When the action is for the recovery of or to enforce or foreclose a lien on specific personal property, the undertaking must be conditioned that the appellant will pay the judgment and costs appealed from, and obey the order of the court made therein, if the appeal be withdrawn or dismissed, or any judgment and costs that may be recovered against him in said action in the superior court, and will obey any order made by the court therein. When the judgment appealed from directs the delivery of possession of real property, the execution of the same can not be stayed unless a written undertaking be executed on the part of the appellant, with two or more sureties, to the effect that during the possession of such property by the appellant, he will not commit, or suffer to be committed any waste thereon, and that if the appeal be dismissed or withdrawn, or the judgment affirmed, or judgment be recovered against him in the action in the superior court, he will pay the value of the use and occupation of the property from the time of the appeal until the delivery of possession thereof; or that he will pay any judgment and costs that may be recovered against him in said action in the superior court, not exceeding a sum to be fixed by the justice of the court from which the appeal is taken, and which sum must be specified in the undertaking. A deposit of the sum of one hundred dollars plus the amount of the judgment, including all cost appealed from, or plus the value of the property, including all costs, in actions for the recovery of specific personal property, with the justice or judge, is equivalent to the filing of the undertaking, and in such cases, the justice or judge must transmit the money to the clerk of the superior court, to be by him paid out on the order of the court.

Undertaking
on appeal.

CHAPTER 366.

An act to add a new section to the Code of Civil Procedure to be numbered six hundred twenty-nine, and to amend section nine hundred sixty-three of the said code, relating to motions for judgment notwithstanding the verdict.

[Approved June 14, 1923.]

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

SECTION 1. A new section is hereby added to the Code of Civil Procedure to be numbered six hundred twenty-nine and to read as follows:

Judgment
notwith-
standing
verdict.

629. When a motion for a directed verdict, which should have been granted, has been denied and a verdict rendered against the moving party, the court, at any time before the entry of judgment, either of its own motion or on motion of the aggrieved party, shall render judgment in favor of the aggrieved party notwithstanding the verdict.

A motion for judgment notwithstanding such verdict may also be made in the alternative form, asking therefor and reserving, if that be denied, the right to apply for a new trial. If the motion for a directed verdict or for judgment notwithstanding the verdict be denied, the trial court on motion for new trial or the appellate court on appeal from the judgment may order judgment to be so entered when it appears from the whole evidence that a verdict should have been so directed at the trial; and when the motion is made in the alternative form, the court may also so order on appeal from the other denying such motion for judgment notwithstanding the verdict, whether a new trial was granted or denied.

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

When an
appeal may
be taken.

963. An appeal may be taken from a superior court in the following cases:

1. From a final judgment entered in an action, or special proceeding, commenced in a superior court, or brought into a superior court from another court;

2. From an order granting a new trial or denying a motion for judgment notwithstanding the verdict in an action or proceeding tried by a jury where such trial by jury is a matter of right, or granting or dissolving an injunction, or refusing to grant or dissolve an injunction, or appointing a receiver, or dissolving or refusing to dissolve an attachment, or changing or refusing to change the place of trial, from any special order made after final judgment, from any interlocutory judgment, order, or decree, hereafter made or entered in actions to redeem real or personal property from a mortgage thereof, or lien thereon, determining such right to redeem and directing an accounting; and from such interlocutory judgment in actions for partition as determines the rights and interests of the respective parties and directs partition to be made, and interlocutory decrees of divorce.

3. From a judgment or order granting or refusing to grant, revoking or refusing to revoke, letters testamentary, or of administration, or of guardianship; or admitting or refusing to admit a will to probate, or against or in favor of the validity of a will, or revoking or refusing to revoke the probate thereof; or against or in favor of setting apart property, or making an allowance for a widow or child; or against or in favor of directing the partition, sale or conveyance of real property, or settling an account of an executor, administrator or guardian, or refusing, allowing or directing the distribution or partition of an estate, or any part thereof, or the payment

of a debt, claim, or legacy, or distributive share; or confirming or refusing to confirm a report of an appraiser or appraisers setting apart a homestead; from an order, judgment or decree fixing inheritance tax or determining that no inheritance tax is due.

CHAPTER 367.

An act to amend section six hundred fifty-nine of the Code of Civil Procedure, relating to motion for a new trial.

[Approved June 14, 1923.]

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

SECTION 1. Section six hundred fifty-nine of the Code of Civil Procedure is hereby amended to read as follows:

659. The party intending to move for a new trial must, either before the entry of judgment or within ten days after receiving notice of the entry of the judgment, or within ten days after verdict, if the trial was by jury, file with the clerk and serve upon the adverse party a notice of his intention to move for a new trial, designating the grounds upon which the motion will be made and whether the same will be made upon affidavits or the minutes of the court or both. The time above specified shall not be extended by order or stipulation. If the motion is to be made upon affidavits, the moving party must, within ten days after serving the notice, or such further time as the court in which the action is pending, or a judge thereof, may allow (but not to exceed twenty days' additional time) file such affidavits with the clerk and serve a copy thereof upon the adverse party, who shall have ten days thereafter, or such further time as the court may allow (not exceeding twenty days' additional time) to file counter-affidavits and serve a copy thereof upon the moving party.

Notice of motion, upon whom to be served, and what to contain.

CHAPTER 368.

An act to amend section six hundred seventy-one and six hundred seventy-four of the Code of Civil Procedure and to repeal section six hundred seventy-one a of said code, relating to judgment liens and transcripts of judgments.

[Approved June 14, 1923.]

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

SECTION 1. Section six hundred seventy-one of the Code of Civil Procedure is hereby amended to read as follows:

671. Immediately after filing the judgment roll, the clerk must make the proper entries of the judgment under appropriate heads, in the docket kept by him (noting thereon the hour and minute of the day of such entry) and from the time the judgment is docketed it becomes a lien upon all the real

Judgment lien, when it begins and when it expires.

property of the judgment debtor not exempt from execution in the county, owned by him at the time, or which he may afterwards acquire, until the lien ceases. The lien continues for five years unless the enforcement of the judgment be stayed on appeal by the execution of a sufficient undertaking as provided in this code, in which case the lien of the judgment and any lien by virtue of an attachment that has been issued and levied in the action ceases. A judgment or decree of the district or other court of the United States, when docketed by the clerk thereof as herein provided, from the time of such docketing becomes a lien on all the real property of the judgment debtor not exempt from execution in the county where such judgment or decree was rendered, owned by him at the time or which he may afterwards acquire, until the lien ceases. Such lien continues for five years unless the enforcement of the judgment or decree be stayed on appeal by the execution of a sufficient undertaking as provided by statutes of the United States, in which case the lien of the judgment or decree and, unless otherwise by statutes of the United States provided, of any attachment that has been levied in the action, ceases.

Repeated.

SEC. 2. Section six hundred seventy-one *a* of the Code of Civil Procedure is hereby repealed.

SEC. 3. Section six hundred seventy-four of the Code of Civil Procedure is hereby amended to read as follows:

674. A transcript of the docket of any judgment of a superior court, or of any judgment or decree of the district court or other court of the United States, the enforcement of which has not been stayed on appeal, certified by the clerk of the court where such judgment is docketed, may be filed with the recorder of any other county, and from such filing the judgment or decree becomes a lien upon all the real property of the judgment debtor, not exempt from execution, in such county, owned by him at the time, or which he may afterwards, and before the lien expires, acquire. The lien continues for five years from the date the judgment was docketed, unless the judgment is previously satisfied, or the lien otherwise discharged.

CHAPTER 369.

An act to add a new section to the Code of Civil Procedure to be numbered section one thousand six hundred seventy-one and relating to distribution of estates.

[Approved June 14, 1923.]

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

SECTION 1. A new section is hereby added to the Code of Civil Procedure to be numbered one thousand six hundred seventy-one and to read as follows:

1671. If any heir, legatee or devisee of an estate shall die before the distribution to him of any part thereof, then the

Distribution
after death
of heir, etc.

property to which he might be entitled, if living, shall be and become a part of his estate and the same may be distributed to the representative of his estate for the purpose of administration therein, with the same effect as if distributed to him if living.

CHAPTER 370.

An act to amend section one thousand two hundred thirty-two of the Code of Civil Procedure, relating to hearing of application for dissolution.

[Approved June 14, 1923.]

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

SECTION 1. Section one thousand two hundred thirty-two of the Code of Civil Procedure is hereby amended to read as follows:

1232. After the time of publication has expired, the court may, upon five days' notice to the persons who have filed objections, or without further notice, if no objections have been filed, proceed to hear and determine the application, and if all the statements therein made are shown to be true, must declare the corporation dissolved. A certified copy of the decree and order of the court dissolving the corporation must be filed in the office of the secretary of state and in the office of the county clerk of each county in which the original articles of incorporation, or a certified copy thereof, is required by law to be filed.

Hearing
of applica-
tion.

CHAPTER 371.

An act to amend section one thousand eight hundred eight of the Code of Civil Procedure, relating to the entry of order appointing guardian.

[Approved June 14, 1923.]

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

SECTION 1. Section one thousand eight hundred eight of the Code of Civil Procedure is hereby amended to read as follows:

1808. Any order appointing a guardian becomes a decree of the court and must be entered at length in the minute book of the court or must be signed by the judge and filed. The provisions of this title relative to the estates of decedents, so far as they relate to the practice in the superior court, apply to proceedings under this chapter.

Order
appointing
guardian.

CHAPTER 372.

An act to amend section six hundred ninety-two of the Code of Civil Procedure, relating to notice of sale of property under execution or power under deed of trust.

[Approved June 14, 1923.]

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

SECTION 1. Section six hundred ninety-two of the Code of Civil Procedure is hereby amended to read as follows:

Notice of
sale under
execution,
how given.

692. Before the sale of property on execution or under power contained in any deed of trust, notice thereof must be given as follows:

1. In case of perishable property: by posting written notice of the time and place of sale in three public places of the township or city where the sale is to take place, for such time as may be reasonable, considering the character and condition of the property.

2. In case of other personal property: by posting a similar notice in three public places in the township or city where the sale is to take place, for not less than five days nor more than ten days.

3. In case of real property: by posting a similar notice particularly describing the property for twenty days, in three public places of the township or city where the property is to be sold and publishing a copy thereof once a week for the same period, in some newspaper of general circulation printed and published in the city or township in which the property is situated, if there be one, or, in case no newspaper of general circulation be printed and published in the city or township, in some newspaper of general circulation printed and published in the county. Provided that where real property is to be sold under the provision of any deed of trust the copy of said notice shall be posted in some conspicuous place on the property to be sold, at least twenty days before date of sale.

4. When the judgment under which the property is to be sold is made payable in a specified kind of money or currency, the several notices required by this section must state the kind of money or currency in which bids may be made at such sale, which must be the same as that specified in the judgment.

CHAPTER 373.

An act to add a new section to the Code of Civil Procedure, to be numbered nine hundred eighty-one a, relating to dismissal of appeal.

[Approved June 14, 1923.]

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

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

981a. No action heretofore or hereafter appealed from the justice court to the superior court, shall be further prosecuted, and no further proceedings shall be had therein, and all such actions heretofore, or hereafter appealed must be dismissed by the court to which the same shall have been appealed, on its own motion, or on the motion of any party interested therein, whether named in the complaint as a party or not, where the appealing party fails to bring such appeal to trial within one year from the date of filing such appeal in said superior court, unless such time be otherwise extended by a written stipulation by the parties to the action filed with the clerk of the superior court to which the appeal is taken; *provided, however,* that in any appeal pending when this section takes effect, a judgment or dismissal shall not be entered under the direction hereof sooner than January first, 1924; *and provided, further,* that any superior court may, by existing rule or by rule hereafter to be enacted, provide for dismissal of such appeal within a time less than one year.

Dismissal of appeals from justice court where not brought to trial within one year.

CHAPTER 374.

An act to amend section two thousand nine hundred twenty-four of the Civil Code, relating to mortgages and deeds of trust.

[Approved June 14, 1923.]

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

SECTION 1. Section two thousand nine hundred twenty-four of the Civil Code is hereby amended to read as follows:

2924. Every transfer of an interest in property, other than in trust, made only as a security for the performance of another act, is to be deemed a mortgage, except when in the case of personal property it is accompanied by actual change of possession, in which case it is to be deemed a pledge.

Transfer, when mortgage, when pledge.

Where, by a mortgage created after July 27, 1917, of any estate in real property, other than an estate at will or for years, less than two, or in any transfer in trust made after July 27, 1917, of a like estate to secure the performance of an obligation, a power of sale is conferred upon the mortgagee, trustee, or any other person, to be exercised after a breach of the obligation for which such mortgage or transfer is a

Power of sale to be exercised when.

security, such power shall not be exercised, except where such mortgage or transfer is made pursuant to an order, judgment, or decree of a court of record, or to secure the payment of bonds or other evidences of indebtedness authorized or permitted to be issued by the commissioner of corporations, or is made by a public utility subject to the provisions of the public utilities act, until, (a) the trustee, mortgagee or beneficiary shall first record, in the office of the recorder of the county wherein the mortgaged or trust property or some part thereof is situated, a notice of such breach and of his election to sell or cause to be sold such property to satisfy the obligation; (b) not less than three months shall thereafter elapse; and (c) the mortgagee, trustee or other person authorized to make the sale shall give notice of the time and place thereof, in the manner and for a time not less than that required by law for sales of real property upon execution.

CHAPTER 375.

An act to repeal sections one thousand five hundred eighteen, one thousand five hundred nineteen, and one thousand five hundred twenty-seven of the Code of Civil Procedure, relating to sales of personal property.

[Approved June 14, 1923.]

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

Repealed.

SECTION 1. Sections one thousand five hundred eighteen, one thousand five hundred nineteen, and one thousand five hundred twenty-seven of the Code of Civil Procedure are hereby repealed.

CHAPTER 376.

An act to amend section four hundred forty-two of the Code of Civil Procedure, relating to pleadings in the superior court.

[Approved June 14, 1923.]

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

SECTION 1. Section four hundred forty-two of the Code of Civil Procedure is hereby amended to read as follows:

Cross-complaint.

442. Whenever the defendant seeks affirmative relief against any party, relating to or depending upon the contract, transaction, matter, happening or accident upon which the action is brought, or affecting the property to which the action relates, he may, in addition to his answer, file at the same time, or by permission of the court subsequently, a cross-complaint. The cross-complaint must be served upon the parties affected thereby, and such parties may demur or answer thereto as to the original complaint. If any of the parties affected by the cross-complaint have not appeared in

the action, a summons upon the cross-complaint must be issued and served upon them in the same manner as upon the commencement of an original action.

CHAPTER 377.

An act to enable any water company organized under the laws of this state to cancel certain shares of stock hereinafter described, and in lieu thereof to issue a new certificate therefor to the owner of the land to which said shares of stock are attached or appurtenant.

[Approved June 14, 1923.]

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

SECTION 1. Whenever the owner of real property to which water stock by the terms of the certificate thereof is attached or appurtenant at the time of conveyance, by properly executed conveyance transfers to another said real property with the appurtenances thereunto belonging, or whenever title to said property passes by execution sale, or by foreclosure or probate proceedings, then the secretary of the water company which issued such stock shall, upon exhibition to him of a deed of said land duly recorded, or the necessary court order duly recorded, issue to the grantee named in such conveyance a new certificate of stock for the number of shares attached or appurtenant to said land as shown by the books and records of said company; thereupon said secretary shall enter the name of such grantee upon the books of said company as the owner of said shares of stock, and he shall thereupon cancel on said books the number of former shares of stock so attached or appurtenant to said land though the same stand in the name of said grantor or of any previous owner of said land, or of any other person.

Transfer of
water
company
stock.

CHAPTER 378.

An act to amend sections twelve, thirteen, fourteen, seventeen and nineteen of an act entitled, "An act approving the report of the California debris commission transmitted to the speaker of the house of representatives by the secretary of war on June 27, 1911, directing the approval of plans of reclamation along the Sacramento river or its tributaries or upon the swamp lands adjacent to said river, directing the state engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California debris commission and to make report thereof, making an appropriation to pay the expenses of such examinations and surveys, and

creating a reclamation board, and defining its powers," approved December 24, 1911, as amended.

[Approved June 15, 1923.]

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

Stats. 1910,
p. 1123,
amended.

SECTION 1. Section twelve of an act entitled "An act approving the report of the California debris commission transmitted to the speaker of the house of representatives by the secretary of war on June 27, 1911, directing the approval of plans of reclamation along the Sacramento river or its tributaries or upon the swamp lands adjacent to said river, directing the state engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California debris commission and to make report thereof, making an appropriation to pay the expenses of such examinations and surveys, and creating a reclamation board, and defining its powers," approved December 24, 1911, as amended, is hereby amended to read as follows:

Powers of
board to
acquire
lands, etc.

Sec. 12. The reclamation board shall have power to acquire either within or without the boundaries of the district, by purchase, condemnation or by other lawful means, in the name of the Sacramento and San Joaquin drainage district, from private persons, corporations, reclamation, swamp land, levee, protection or drainage districts, or other organizations or associations, all lands, rights of way, easements, property or material necessary or requisite for the purpose of by-passes, weirs, cuts, canals, sumps, levees, overflow channels and basins, reservoirs and other flood control works, and other necessary purposes, including drainage purposes; to construct, clear and maintain by-passes, levees, canals, sumps, overflow channels and basins, reservoirs and other flood control works; to construct and maintain ditches, canals, pumping plants, and other drainage works and to operate the same; to make contracts in the name of said district to indemnify or compensate any owner of land or other property for any injury or damage caused by the exercise of the powers by this act conferred, or arising out of the use, taking or damage of any property for any of such purposes; *provided, however,* that the reclamation board shall have no power, authority, or jurisdiction, either directly or indirectly, except as hereinafter provided in section thirteen of this act, to hereafter incur any indebtedness or expend any money or adopt or carry into effect any plan or project or to acquire any lands, rights of way, or easements, or to do any work, or cause any work to be performed, for which any land lying within the Sacramento and San Joaquin drainage district shall be assessed, save and except to maintain, repair, and operate its existing works of reclamation and flood control and to complete, maintain and operate any project adopted by said board prior to April 1, 1923, with the existing powers to levy assessments therefor. The board shall also have power to maintain actions in the name of the people of the State of California to restrain the doing of any act or thing

that may be injurious to any of the works necessary to said plan of flood control or that may interfere with the successful execution of said plan or for damages for injury thereto, and any damages so recovered shall be deposited with the state treasurer to the credit of said district and shall be applicable to the payment of warrants against any assessment for the particular portion or project affected by such injury; to establish a standard of levee construction; to do any and all things necessary or incident to the powers hereby granted or to carry out the objects specified herein; to maintain actions in the name of the people of the State of California to compel by injunction the owner or owners of any bridge, trestle, wire line, viaduct, or embankment or other structure which shall be intersected, traversed or crossed by any by-pass, drainage canal, or overflow channel, so to construct or alter the same as to offer a minimum of obstruction to the free flow of water through any such by-pass, drainage canal, or overflow channel, and wherever necessary in the case of existing works, to compel the removal or alteration of any such embankment or other structure; to maintain actions in the name of the people of the State of California to restrain the diversion of the waters of any stream that will increase the flow of water in said Sacramento or San Joaquin rivers or their tributaries, and such diversion of the waters of any stream into said rivers or either of them or any of their tributaries, is hereby declared to be a public nuisance which may be prevented or abated by the reclamation board; to dispose, by sale, exchange, in payment for work done or services rendered, or for any other purpose which the reclamation board might deem advisable, of any land, property, material, equipment, or any other thing in the possession of the Sacramento and San Joaquin drainage district, which, in the opinion of the reclamation board, is no longer needed for the purposes of flood control works or other necessary or convenient purposes.

In case any land, right of way or easement is or shall be needed for any work of channel excavation, enlargement, rectification or control, or for the construction of any weir, which is a part of the plans to be carried out as contemplated by this act, and which is to be done or constructed in whole or in part by the United States or by the State of California and it is or shall be necessary or be required by the United States or by the State of California before doing such work or constructing such weir, that such land, right of way or easement be conveyed to or provided for the use of the United States or the State of California free of cost, the reclamation board shall have power to acquire such land, right of way or easement and cause the same to be conveyed to the United States or to the State of California free of cost, or to be condemned for the use and in the name of the United States or the State of California in the manner provided by the laws of this state or of the United States, and to pay the cost and expense of acquiring such land, right of way or easement out of the funds of any assessment by said board applicable

Acquisition
of lands
required by
L. S.

thereto; or if such land, right of way or easement is or shall have been already acquired by said reclamation board in the name of the Sacramento and San Joaquin drainage district, the said board shall be and is authorized to cause the same to be conveyed by said district to the United States or to the State of California free of cost.

Contribution
to U. S. river
and harbor
improve-
ment.

Whenever any work to be done by the reclamation board or the Sacramento and San Joaquin drainage district under any of the provisions of this act is such that it can be so done in connection with work of public improvement of rivers and harbors authorized by the United States government as to bring it within the provisions of section four of the United States river and harbor act approved March 4, 1915, authorizing the receipt by the United States government agencies of funds to be contributed for expenditures in connection with funds appropriated by the United States for such work, then the funds under the control of the reclamation board and available for such work, or so much as may be necessary, may be contributed by the reclamation board to the United States government under the provisions of said section of said river and harbor act in order that the work may be done in the manner thereby contemplated.

Stats 1919,
p. 1124,
amended.
Plans and
estimates.

SEC. 2. Section thirteen of said act, approved December 24, 1911, as amended, is hereby amended to read as follows:

SEC. 13. Whenever in the opinion of the reclamation board it shall be necessary to levy an assessment upon any lands within said drainage district for any of the purposes herein specified, including the expenses of bonding said assessment if authorized by law, other than an assessment to pay the costs and expenses necessary for the maintenance, repair and operation of its existing works of reclamation and flood control, and the costs and expenses necessary for the completion, maintenance and operation of any project adopted by said board prior to April 1, 1923, said board shall adopt plans therefor and shall make careful estimates of the costs and expenses thereof. The plans to be carried out shall be divided by said board into separate portions or projects in such manner as will in its judgment best facilitate the levying of assessments for each particular portion or project in a just and equitable manner according to benefits upon the lands in said district affected by such portion or project; *provided, however,* that each separate and particular project or unit shall include all by-passes, cuts, canals, sumps, levees, pumping plants and other works of flood control and drainage as shall be necessary by reason of the carrying out and construction of the particular project, to properly conduct the water of any stream, natural or otherwise, the outlet of which has been intercepted by the construction of any levee or embankment included in such project or unit into such by-pass.

Said board shall enter in the minutes of the board a resolution to the effect that the execution of each such separate portion or project which they may determine upon is a public necessity. Each such particular portion or project shall be

designated by the board in such resolution by name and number. All assessments, plans and funds intended for or connected with the execution of each particular portion or project shall be designated by such name and number and shall be kept separate and shall be used only for the purpose of carrying out such particular portion or project. Thereafter the board shall appoint three assessors who shall be disinterested persons, and shall have no interest in any real estate within said drainage district, and each of whom, before entering upon his duties, shall make and subscribe an oath that he is not in any manner interested in any real estate within said district, directly or indirectly, and that he will perform the duties of an assessor to the best of his ability. Said assessors shall be exempt from the provisions of the civil service laws of this state. After said assessors have examined the plan or plans of the works contemplated and the estimates of the cost, they shall make a preliminary report to the reclamation board indicating the exterior boundaries of the lands that in their opinion will be benefited by the expenditures. The assessors shall then appoint a time and place in each county in which any of said lands proposed to be assessed are situated, when and where they will hear objections to the said report and also evidence concerning the manner in which said assessment should be apportioned. They shall give notice of such hearing in each of such counties by publication in a newspaper published in such county once a week for three weeks, the first publication to be not later than the twenty-first day before the day of hearing, which notice shall contain a general designation of the lands which will in their opinion be so benefited, as aforesaid, and shall refer to said preliminary report on file in the office of the reclamation board for such exterior boundaries. Said assessors, may amend, modify or change the exterior boundaries of the lands that, in their opinion, will be benefited by such expenditures.

Assessors.

To hear
objections.May change
boundaries.

If, within six months after the completion of said hearings there is filed with the board, written consent to such contemplated project, signed and acknowledged by the owners of land representing sixty-six per cent of the value of the land excluding improvements within the district, as described in the preliminary report of said appraisers, or as modified thereafter, as such value is shown by the last preceding county tax assessment roll of the county in which said land is situate, and also written consent to such contemplated project, signed and acknowledged by sixty-six per cent of the owners of land within said district as described in said preliminary report, or as modified thereafter, the board shall cause an assessment to be levied in the manner and form hereinafter provided

Consent to
project.

Said assessors must assess upon the lands within said drainage district proposed to be assessed for the plans adopted by the reclamation board the said sums included in the estimates of said board, and shall apportion the same according to the benefits that will accrue to each tract of land in said

Levy of
asses-ments.

district, respectively, affected by any particular portion or project by reason of the expenditure of said sums of money.

In determining the benefits that will or may accrue to each particular tract of land by the construction or maintenance of the works contemplated by any particular project or unit, the works of such project or unit shall be considered as a whole and lands shall be assessed for the works embraced in such project or unit only in the proportion that they will or may be benefited by the construction of the entire works embraced in the said project or unit, and no lands shall be considered as benefited by the construction or maintenance of the works embraced in such project or unit, or any part or portion thereof, nor shall any lands be assessed for the expense of the construction or maintenance of such project or unit or any part or portion thereof, because such lands have been or may be first endangered or flooded, or the natural drainage thereof obstructed by the construction or maintenance of any part or portion of the works embraced in such project or unit in advance of or prior to the completion of the construction of the entire works embraced in such project or unit.

Assessment
list.

Said assessors shall make a separate list of the lands so assessed in each county, which list shall contain a description of the tracts of land assessed by swamp land surveys, legal subdivisions, or other boundaries or references sufficient to identify the same, the name of the owner, if known, or if unknown, that fact, and the amount of the charge assessed against each tract. The name of the owner of land which is or is supposed to be the property of the estate of a deceased person in course of administration may be stated as estate of (such person, naming him), deceased. When there are two or more owners or supposed owners of any tract of land, partly known and partly unknown, the assessment may be to such known owner or owners by name and to other owners unknown. No mistake in the name of the owner, or supposed owner, of any real estate shall invalidate the assessment. In the assessment list for any county the assessors may make use of any abbreviation in common use in that county, without explanation thereof. The assessors may also in the assessment list for any county make use of other abbreviations, provided a schedule and explanation thereof with reasonable certainty shall, unless printed on each page of such assessment list, be prefixed to said assessment list and a reference thereto written, printed or stamped on each page of said assessment list whereon any such abbreviation is used. In case any land shall in the assessment list for any county be described in whole or in part by reference to a map, plat or survey, which map, plat or survey shall be on file or of record in any public office, it shall be sufficient in such description to designate such map, plat or survey by name, number or other designation sufficient to identify the same in a schedule of such maps, plats and surveys, which schedule shall be prefixed to said assessment list and shall set forth with reasonable certainty where each such map, plat or survey may be found, and shall be referred

to by a reference written, printed or stamped on each page of said assessment list whereon such method of description is relied upon. The assessors appointed for any assessment may also prepare or cause to be prepared a map or maps of the whole or any part or parts of the lands to be assessed with sufficient detail to indicate thereon and identify the several tracts of lands to be separately assessed or any of them, each of which such separate tracts shall be designated on such map or maps by a distinctive number. Each of such maps shall be inscribed and designated as "reclamation board assessment map No. --," giving each map a distinctive number. Any such map may consist of any number of sheets attached together and designated as one map. Such map or maps when approved by the reclamation board, shall be certified by the secretary of said board as having been so approved, and shall be filed for record in the office of the county recorder of the county wherein the land indicated on such map or maps is situated. Thereupon and thereafter, for the purpose of said assessment, or of any future assessment levied by said reclamation board, the assessment list for any county may, for the description of any tract of land so indicated on any such map, refer to such map and to the number by which such tract is designated on such map, and such reference, if used for that purpose, shall be a sufficient description of such tract for the purposes of such assessment list, and for the purposes of the notice of delinquent sale, certificate of sale and deed in pursuance of such sale, and all other proceedings under this act based upon such assessment. No provision of any other statute of this state relative to the filing or recording of maps in the office of the county recorder shall apply to the maps in this section referred to; *provided, however,* that the maps herein referred to shall have no legal effect for any purpose except for the convenient reference to and description of the tract of land indicated thereon for the purposes of description of such tracts of land by reference thereto in the matter of assessments levied by the reclamation board and acts and proceedings based thereon as herein provided. No fee shall be charged by any such county recorder for the filing for record of such map as in this section provided. Said lists when completed shall be filed with the secretary of the board and said secretary shall forward to the county treasurer of each county in which any lands so assessed are situated, the assessment list for such county, and the same shall be open for inspection by the public for at least sixty days. The compensation of said assessors shall be fixed and allowed by the board. The reclamation board shall appoint a time and place not less than sixty days after said list has been filed with the county treasurer when and where it will meet in each county wherein any of the lands so assessed are situated for the purpose of hearing objections to said assessments, and notice of such hearing in each county shall be filed with the county treasurer and published once a week for four weeks in some newspaper published in such county. At any time before or during such hearing any

Maps.

Hearing of
objections
by reclama-
tion board.

person interested in any land upon which any charge has been assessed, may file in the office of the reclamation board or with any member thereof, written objections to such assessment, stating the grounds of such objections, which said statement shall be verified by the affidavit of such person or some other person who is familiar with the facts. At such hearing, the board shall hear such evidence as may be offered touching the correctness of such assessment or the manner of its apportionment, and may modify or amend the same, and may reapportion all or any part of the entire assessment. Unless the aggregate amount of the whole of such assessment shall be modified or amended by the reclamation board so as to cause a difference of more than two and one-half per cent greater or less than the original total amount of said assessment, it shall be deemed that the assessment has not been substantially modified and no necessity shall exist for a reapportionment thereof.

Notice of reapportionment.

If said assessment shall be reapportioned the board shall give two weeks notice as before and proceed to hear objections in each county affected, as before, and shall then reconsider said assessment and make an order approving said assessment as finally fixed; and the decision of said board shall be final, and thereafter said assessment list shall be conclusive evidence, except in the suit hereinafter provided, that the said assessment has been levied and apportioned according to law. Any person interested, as aforesaid, in any land upon which any charge has been so assessed, aggrieved by the decision of the board approving said assessment, may commence an action against the district in the superior court of the county in which said land or the greater part thereof is situated, to have said assessment upon such land modified or annulled. Such action must be commenced within sixty days after the reclamation board has approved such assessment and the assessment list for such county has been deposited in the office of the county treasurer as provided in the next section, and shall have preference over all civil actions in fixing the time of trial.

Special assessment on annexed territory.

Whenever an assessment has been levied by the reclamation board upon lands in said district for general administrative expenses and other expenses not pertaining to any particular project, and the boundaries of said district have been or shall be extended so as to include lands other than the lands included within said district at the time such assessment was levied, the reclamation board shall make an estimate of the fair and equitable amount which should be contributed by the lands so included in the district by such change of boundaries for the purposes of such assessment previously levied by said board for general administrative expenses and other expenses not pertaining to any particular project, and shall levy and cause to be assessed, equalized and collected in the manner in this act provided, an assessment to the amount of such estimate upon lands so included in the district by such change of boundaries, according to benefits in the manner in this act provided.

In the event that consent in writing be not filed in the manner and at the time hereinbefore provided, no further expenditures for said project shall be made, nor shall any obligations be incurred therefor; *provided, however,* that the board may cause an assessment to be levied in the manner hereinbefore provided for the purpose of paying the necessary engineering and other expenses in preparing the plans for said project, in making the preliminary report of said assessors and in holding the hearings thereon.

Effect of nonconsent.

SEC. 3. Section fourteen of said act, approved December 24, 1911, as amended, is hereby amended to read as follows:

Stats. 1915, p. 1318, amended.

Sec. 14. After the reclamation board has held the hearings in each county pursuant to section thirteen of this act and the assessment lists have been made to conform with its decision, said lists shall be certified by the secretary of the board to be correct, and shall thereupon be filed in the offices of the county treasurers, respectively, of the several counties in which are situated any of the lands assessed thereby. Each such county treasurer shall endorse thereon the date and time to the hour and minute when the same was so filed in his office; and thereafter from that time such assessment shall constitute a lien upon the lands so assessed in such county, and shall impart notice to all subsequent purchasers or incumbrancers or any person acquiring any interest in or lien upon said lands. The assessment shall then be paid to the respective county treasurers in one or more installments of such amounts, and at such times, respectively, as the board, from time to time, in its discretion, may, by order entered in its minutes, direct.

Assessment becomes lien on land.

At the time within thirty days after said assessment list has been so filed in the office of the county treasurer as provided above, the whole amount of such assessment upon any tract of land therein separately assessed may be paid in cash to the county treasurer and thereupon the county treasurer shall issue his receipt therefor and shall endorse the fact and date of such payment upon the assessment list, and thereupon the lien of such assessment upon such tract of land shall cease. No interest shall be charged on any assessment paid in full within this thirty-day period. All assessments not paid in full within said period of thirty days shall bear interest at the rate of seven per cent per annum from and after the time when the assessment list is filed in the office of the county treasurer for collection. The remaining portion not yet ordered paid by said board of the assessment upon any tract of land may be voluntarily paid in full, with the accrued interest thereon, at any time after the lien of such assessment has accrued.

When payable

If any installment shall remain unpaid at the expiration of thirty days from the date of the board order calling said installment, then said installment shall become delinquent, together with accrued interest thereon to date of delinquency. When any such installment shall become delinquent, a penalty of one dollar, together with ten per cent of the amount of such installment plus interest, shall be added thereto and col-

Delinquent

lected for the use of the district; *provided*, that if any action is pending in any court to have the assessment on any tract of land reviewed, modified or annulled, as provided herein, such assessment, if not annulled in said action, may, in the discretion of the board, become delinquent thirty days after any judgment rendered therein shall become final. From date of delinquency until time of delinquent sale, such unpaid installment, together with added interest and penalty, shall bear interest at the rate of seven per cent per annum.

Notice of delinquency and sale.

After the said installment has become delinquent, the board, when it shall deem it advisable, shall publish in each county where such delinquencies exist, at least once a week for two weeks in some newspaper of general circulation published in the said county, a list in one notice of all said delinquencies in such county which notice shall contain a description of the property assessed as described in the assessment list or by other descriptions sufficient to identify the same, the name of the owner to whom it is assessed or a statement that it is assessed to unknown owners, if such is the fact, the amount of the delinquent installment, interest and penalty as above provided, and a further notice that each of said parcels will be sold at public auction by said county treasurer in front of the court house of said county at a specified day and hour, to pay said installment with accrued interest and the penalty, together with its proportion of the total cost of publication of said notice of sale.

Sale.

At the time and place stated in said notice, or such other time to which said sale may have been postponed, the county treasurer shall sell each parcel of land described in said notice to the highest bidder for gold coin of the United States unless prior thereto he shall have received payment in full of said delinquent installment, interest, penalty and cost of publication. If not completed on the first day the sale may be continued from day to day and over Sundays and legal holidays until completed. No license shall be required of the county treasurer for conducting such sale. No bid for any parcel shall be accepted which is less than the aggregate sum then due for said installment thereon, together with accrued interest, penalty and cost of publication. If no bid is made for any parcel at such delinquent sale which is equal to the total amount then due thereon, the county treasurer shall bid in and sell said parcel to the said Sacramento and San Joaquin drainage district for the amount of said delinquent installment or installments, together with accrued interest, penalty and cost of publication.

Certificate of sale.

The county treasurer shall execute to each purchaser at such delinquent sale including said drainage district, a certificate of such sale, which certificate of sale shall be recorded by said purchaser in the county recorder's office of said county. Out of the proceeds of said sales the county treasurer shall transmit to the state treasurer the total amount then due on the property so sold as shown in said notice, and shall pay to the owner of said property any surplus remaining after such pay-

ment to the state treasurer. The county treasurer shall, when directed by the reclamation board, postpone the said delinquent sale from time to time for not less than ten nor more than thirty days by a written notice posted at or near the place of sale, which written notice shall be substantially as follows: The sale of property for delinquent assessment under (name and number of assessment) of the Sacramento and San Joaquin drainage district, which was fixed for (time and place of sale) has been postponed to (time to which postponed) at the same place.

Any person interested in any tract of land sold at such delinquent sale may redeem the same at any time within one year after the date of sale by paying to the county treasurer for such purchaser a sum equal to the purchase price stated in the certificate of sale with interest thereon at the rate of twelve per cent per annum from the date of sale to the date of such redemption, together with the amount remaining due and unpaid of any installment upon any assessment on said land under the reclamation board act, with the penalty prescribed above for such other delinquencies. If no redemption shall be made within one year the reclamation board upon demand and the surrender of such certificate of purchase and the delivery of a certificate of the county treasurer that no redemption has been made within such year from date of sale, shall execute to the purchaser, his heirs or assigns, a deed of conveyance of the parcel of land described in such certificate, which deed shall convey to the grantee therein named the said land free and clear of all encumbrances except state, county and municipal taxes, assessments levied or assessed by statutory authority, and the unpaid balance of said or any assessment made by said drainage district, which said balance must be called in and collected in the same manner as other assessments, except that no parcel sold and conveyed to the Sacramento and San Joaquin drainage district shall thereafter, until redeemed or until sold and disposed of by the reclamation board, be subject to sale by the treasurer for subsequent installments of the said or any assessment as in this act provided.

Each deed by the reclamation board purporting to be executed under this act shall be prima facie evidence of the truth of the matters therein recited and of ownership by grantee of the lands therein described. All deeds herein required to be executed by the reclamation board may be executed by the president and secretary thereof on behalf of said board. Any parcel of land bid in and purchased by the Sacramento and San Joaquin drainage district at such delinquent sale shall be held in trust for the assessment under which the same was sold and may be sold and conveyed by said reclamation board or their successors in office at any time after the expiration of said redemption period of one year at public or private sale and with or without notice, to any person paying not less than the amount for which said parcel was bid in by said county treasurer at such delinquent sale for said drainage district,

Redemption.

Deed.

Sale of land
bid in by
district.

with interest thereon at the rate of twelve per cent per annum compounded yearly from the date of such delinquent sale, and also the amount of all subsequent installments or other assessments then delinquent, with accrued interest and penalties thereon.

Payment for the land so purchased shall be made in gold coin of the United States, and the reclamation board shall execute a deed to such purchaser at such sale conveying said property, free of all encumbrances except state, county and other municipal taxes, assessments levied or assessed by statutory authority and the unpaid balance of all assessments of said drainage district, which balance must be called in and collected in the same manner as other assessments. If any lands so held by said drainage district remain unsold then the reclamation board shall sell all such lands so held by said drainage district at public auction to the highest bidder for cash, upon two weeks published notice substantially in the manner provided for notice upon above delinquent sales, and shall execute to the purchaser a conveyance, which deed shall convey title to the land as above prescribed. The proceeds of such sale shall be deposited with the state treasurer to the credit of the assessment under which the property became delinquent.

Expense.

No county or public officer shall charge or receive any fee for any of the services required to be performed by him under the provisions of this act; but any reasonable and necessary expense actually incurred by any officer in carrying out any of the provisions of this act relating in any manner to the collection or enforcement of any assessment, shall be paid out of the funds of said drainage district applicable thereto.

Stats 1915,
p. 1353,
amended.

SEC. 4. Section seventeen of said act, approved December 24, 1911, as amended, is hereby amended to read as follows:

Duty of
board to
promote
levee
building.

SEC. 17. The reclamation board shall have power to promote the construction, completion, maintenance and repair of levees along all rivers, streams, overflow channels and basins and by-passes where, in the opinion of the board, such levees are insufficient or necessary for the purpose of the plans for flood control to be carried out by said board under this act.

Notice of
intention.

Whenever any such levee is in the opinion of said board insufficient or necessary for the purpose aforesaid, the reclamation board shall give notice, by publication in the manner hereinafter provided, that such levee is insufficient or necessary, and that it is the intention of said board to construct, repair or complete such levee and pay the cost thereof out of an assessment levied or to be levied and assessed upon the lands within said drainage district directly or indirectly benefited by such levee. Such notice shall be signed in the name of the reclamation board by its president and secretary and shall be published once a week for three weeks in some newspaper published in the county wherein such levee or the greater part thereof is situated or is to be constructed, and the giving of such notice by publication shall be deemed completed on the twenty-first

day after the first publication thereof. Any land owner or owners, and any reclamation district, drainage district, levee district, municipal corporation or other organization or association authorized by law to construct, repair or complete such levee shall have thirty days after completion of the giving of such notice by publication as aforesaid within which to apply to said reclamation board for leave to construct, repair or complete such levee, which application shall be in writing and signed by such applicants or their respective executors, administrators, guardians, trustees or duly constituted and authorized officers, and filed in the office of the reclamation board; and in case such application be filed within thirty days, as aforesaid, such applicants shall have sixty days after the filing of such application, or such further time as said reclamation board may by order entered in its minutes allow, within which to present to said reclamation board their plans and specifications for the construction, repair or completion of such levee, and obtain the approval by said board of such plans and specifications, and to commence the work. Each such application for leave to construct, repair or complete such levee shall designate the name and postoffice address of at least one and not more than three of the applicants signing the same as the person or persons to whom any notice or communication may be addressed by the reclamation board in the matter of such application. In case there shall be two or more such applications filed in the office of the reclamation board within said period of thirty days last above mentioned the reclamation board may determine which of such applications shall be recognized and may reject the others. Any such levee constructed or work done by such applicants as hereinbefore provided, pursuant to such notice from the reclamation board and according to plans and specifications approved by said board, shall be considered as constructed or done with the permission of said board within the meaning of section eighteen of this act. If such application shall not be filed in the office of said reclamation board for permission to do such work, as aforesaid, within thirty days after completion of the giving of such notice by publication, or if such applicants shall fail to present to said board and obtain its approval of such plans and specifications and to commence the work as aforesaid, within said period of sixty days or such further time as the board may allow, or shall fail to complete such work with reasonable diligence after the same shall have been so commenced, the reclamation board shall thereupon be and is hereby empowered to proceed with the construction, repair or completion of such work, and to pay the cost thereof by assessment upon the lands within said drainage district directly or indirectly benefited by such levee according to such benefits, as in this act provided, which assessment may be either an assessment specially levied and assessed for that purpose, or any assessment levied and assessed by said board and applicable to the payment of such work. Notwithstanding anything in this section provided, if in the opinion of the reclamation

Application
for leave
to construct
levee.

Board may
proceed with
work.

Emergency cases.

board a case of emergency exists requiring immediate action to preserve life or property or to protect or preserve the safety of any such levee along any river, stream, overflow channel or basin or by-pass, the reclamation board may cause the necessary work to be done immediately for the protection or preservation of such levee, without giving the notice hereinbefore provided, and may pay the cost thereof, and any damage that may have been done by the performance of such work, by an assessment to be levied and assessed as above provided, or out of the funds of any assessment available for that purpose under the provisions of this act.

Stats. 1913, p. 276 amended.

SEC. 5. Section nineteen of said act, approved December 24, 1911, as amended, is hereby amended to read as follows:

Appropriation.

SEC. 19. The sum of one hundred thousand dollars, in addition to the sums heretofore appropriated, is hereby appropriated for the use of the reclamation board, at least twenty thousand dollars of which shall be used by the board to pay the expenses of the state engineer in carrying out the directions of this act. The controller is hereby directed to draw warrants upon the state treasurer whenever drafts of the reclamation board are presented to him, and the treasurer is hereby directed to pay said controller's warrants. In the first assessment levied in said district the sum of fifty thousand dollars shall be levied, collected and paid to the state treasurer as reimbursement of one-half of the above appropriation.

Liability of state.

The State of California shall not be liable directly or indirectly, for any obligation, claim, or liability of any kind or character, arising under, or by reason of this act, or any of the provisions thereof, in excess of the one hundred thousand dollars in and by this act appropriated. No member of the reclamation board shall be held personally liable on any obligation or liability of any kind or character arising out of the claim that he has failed to carry out any obligation imposed upon said reclamation board by this act or any part thereof and the legislature hereby expressly declares that discretion is vested in said board and the members thereof to determine how and when the various provisions of this act and the projects herein contemplated may best be carried into effect.

CHAPTER 379.

An act to amend section twenty-seven of the "workmen's compensation, insurance and safety act of 1917," as approved May 23, 1917, as amended, by removing limitations of time for employee to file claim where a settlement agreement has not been approved by the industrial accident commission.

[Approved June 15, 1923.]

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

Stats. 1917, p. 837, amended.

SECTION 1. Section twenty-seven of the "workmen's compensation, insurance and safety act of 1917," approved May 23, 1917, as amended, is hereby amended to read as follows:

Sec. 27. (a) No contract, rule or regulation shall exempt the employer from liability for the compensation fixed by this act, but nothing in this act contained shall be construed as impairing the right of the parties interested to compromise, subject to the provisions herein contained, any liability which may be claimed to exist under this act on account of such injury or death, or as conferring upon the dependents of any injured employee any interest which such employee may not divert by such compromise or for which he, or his estate, shall, in the event of such compromise by him, be accountable to such dependents or any of them. Right to compromise.

(b) The compensation herein provided shall be the measure of the responsibility which the employer has assumed for injuries or death that may occur to employees in his employment when subject to the provisions of this act, and no release of liability or compromise agreement shall be valid unless it provide for the payment of full compensation in accordance with the provisions of this act or unless it shall be approved by the commission. Valid release or compromise agreement.

(c) A copy of such release or compromise agreement signed by both parties shall forthwith be filed with the commission. When such release or compromise agreement is filed with the commission and approved by it, the commission may of its own motion, or on the application of either party, without notice, enter its award based upon such release or compromise agreement. Award based on release or compromise agreement.

(d) Every such release or compromise agreement shall be in writing, duly executed and attested by two disinterested witnesses, and shall specify the date of the accident, the average weekly wages of the employee, determined according to section twelve hereof, the nature of the disability, whether total or partial, permanent or temporary, the amount paid or due and unpaid to the employee up to the date of the release or agreement or death, as the case may be, and, if any, the amount of the payment or benefits then or thereafter to be made, and the length of time that such payment is to continue. In case of death there shall also be stated in such release or compromise agreement the date of death, the name of the widow, if any, the names and ages of all children, if any, and the names of all other dependents, if any, and whether such dependents be total or partial, and the amount paid or to be paid as a death benefit and to whom such payment is to be made. Contents of release or compromise agreement.

(e) Where a release or compromise is made for an amount less than the full compensation or benefit to which an employee, or his dependents, may be entitled under this act, the limitation of time provided by subsections (b) (1) and (b) (2) of section eleven of this act in which such employee or his dependents may file proceedings for the collection of the benefits provided by subsection a of section nine is hereby extended to two years from the date of the injury, unless said release or compromise agreement shall have been approved by the commission. Limitation of actions.

CHAPTER 380.

An act to amend section three of an act known as the "Building and loan commission act," approved April 5, 1911.

[Approved June 15, 1923.]

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

Stats. 1921,
p. 1573,
amended.
Salaries.

SECTION 1. Section three of the building and loan commission act is hereby amended to read as follows:

Sec. 3. The commissioner shall receive a salary of four thousand dollars per annum, the chief deputy shall receive a salary of two thousand five hundred dollars per annum, and the deputy two thousand four hundred dollars per annum, and a clerk and stenographer at one thousand three hundred eighty dollars per annum and such salaries shall be in full for all services rendered. There shall also be allowed and paid the necessary traveling expenses of the commissioner and his deputies incurred while traveling in the line of their duties. The commissioner shall procure and have an office in the city of San Francisco, which office shall be kept open for business every business day, during such hours as are commonly observed by the banks of that city as banking hours. Said commissioner may also provide such stationery, printing, postage, office help and other necessary conveniences as may be requisite in such office. All said salaries and expenses shall be audited and paid in the same manner as the salaries and expenses of other state officers.

Office in
San
Francisco.

CHAPTER 381.

An act to amend section twenty-four of the "workmen's compensation, insurance and safety act of 1917," approved May 23, 1917, as amended, by providing for allowances of attorney's fees to attorneys representing claimants before appellate courts authorizing industrial accident commission to fix the fees of attorneys for applicants, and conferring authority on said commission to regulate the appearance of representatives of applicants before it, also providing for service of notice of liens on insurance carriers.

[Approved June 15, 1923.]

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

Stats. 1919,
p. 919,
amended.

SECTION 1. Section twenty-four of chapter five hundred eighty-six, laws of 1917, as amended, is hereby amended to read as follows:

Claim not
assignable.

Sec. 24. (a) No claim for compensation shall be assignable before payment, but this provision shall not affect the survival thereof, nor shall any claim for compensation, or compensation awarded, adjudged or paid, be subject to be taken for the debts of the party entitled to such compensation, except as hereinafter provided. No compensation, whether awarded

or voluntarily paid, shall be paid to any attorney at law or in fact or other agent, but shall be paid directly to the claimant entitled to the same, unless otherwise ordered by the commission. Any payment made to such attorney at law or in fact or other agent in violation of the provisions of this section shall not be credited to the employer.

(b) The commission may fix and determine and allow as a lien against any amount to be paid as compensation:

(1) A reasonable attorney's fee for legal services pertaining to any claim for compensation, either before the commission or before any of the appellate courts, and the reasonable disbursements in connection therewith. Lien against amount due as compensation.

(2) The reasonable expense incurred by or on behalf of the injured employee, as defined in subsection (a) of section nine hereof.

(3) The reasonable value of the living expenses of an injured employee or of his dependents, subsequent to the injury.

(4) The reasonable burial expenses of the deceased employee, not to exceed the sum of one hundred dollars.

(5) The reasonable living expenses of the wife or minor children of the injured employee, or both, subsequent to the date of the injury, where such employee has deserted or is neglecting his family, to be allowed in such proportion as the commission shall deem proper, upon application of the wife or guardian of the minor children.

(c) If notice in writing be given to the insurance carrier or employer, if he be uninsured, setting forth the nature and extent of any claim that may be allowed as a lien, the said claim shall be a lien against the amount thereafter to be paid as compensation, subject to the determination of the amount and approval thereof by the commission. The commission may, in its discretion, order the amount of such claim as fixed and allowed by it paid directly to the person entitled, either in a lump sum or in installments. Where it appears in any proceeding pending before the commission that a lien should be allowed if the same had been duly requested by the party entitled thereto, the commission may, in its discretion, and without any request for such lien having been made, order the payment of such claim to be made directly to the person entitled, in the same manner and with the same effect as though such lien had been regularly requested, and the award to such person shall constitute a lien against unpaid compensation due at the time of service of said award. Notice of claim. Award by commission.

(d) No charge, claim or agreement for the legal services or disbursements mentioned in paragraph (1) of subsection (b) hereof, or for the expense mentioned in paragraph (2) of said subsection (b), in excess of a reasonable amount, shall be enforceable, valid or binding in any respect and it shall be competent for the commission to determine what constitutes a reasonable amount. Excess claim for legal services.

The privilege of any person, except an attorney admitted to practice in the supreme court of the State of California, Right to appear before commission.

to appear in any proceeding as a representative of any party before the commission, or any of its referees, may be removed, denied, prohibited or suspended by the commission for a violation of the foregoing provisions of this section or for other good cause, after hearing had.

Preference
of claim
or award.

(e) A claim for compensation for the injury or death of any employee, or any award of judgment entered thereon, shall have preference over all other unsecured debts of the employer or insurance carrier.

CHAPTER 382.

An act to amend section one thousand two hundred sixty-one of the Political Code, relating to papers to be sealed up by election board.

[Approved June 15, 1923.]

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

SECTION 1. Section one thousand two hundred sixty-one of the Political Code is hereby amended to read as follows:

Certain
papers to be
sealed up

1261. The board must, before it adjourns, inclose in packages which must be sealed and directed to the county clerk, or to the registrar of voters if there be one, in their county, or city and county, the hereinafter designated supplies and records of the election. In one package shall be inclosed one tally list, one poll list, the challenge list, the death and removal list, one list of assisted voters, and all affidavits of election officers assisting voters; in one package shall be inclosed the roster of voters, one tally list, one poll list, and one list of assisted voters; in one package shall be inclosed the spoiled, canceled and unused ballots; and in one package shall be inclosed the voted ballots. The register shall be returned separately in a sealed envelope to the county clerk; *provided, however,* that the county clerk may open such envelope upon receipt thereof at the office of such county clerk.

Result of
vote

The board must also immediately transmit, unsealed to the county clerk, a copy of the result of the votes cast at the polling place, which copy must be signed by the members of the board, and which shall be open to the inspection of the public.

Result to
be posted.

The board must also, before it adjourns, post conspicuously, on the outside of the polling place, a copy of the result of the votes cast at such polling place, which copy shall be signed by the members of the board.

Penalty.

It shall be a misdemeanor for any person to remove or deface such posted copy of the result or to delay or change the copy to be delivered to the county clerk.

CHAPTER 383.

An act appropriating money to pay the claim of Dunn, White and Aiken against the State of California.

[Approved June 15, 1923.]

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

SECTION 1. The sum of one thousand five hundred dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of Dunn, White and Aiken, attorneys, against the State of California.

Appropriation: claim of Dunn, White and Aiken.

CHAPTER 384.

An act to amend an act entitled "An act to define the boundary, provide for the care, strengthening and repairing of the levee, and for the payment of the indebtedness of levee district number one of Sutter county," approved March 20, 1874, as amended.

[Approved June 15, 1923.]

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

SECTION 1. Section five of an act entitled "An act to define the boundary, provide for the care, strengthening and repairing of the levee, and for the payment of the indebtedness of levee district number one of Sutter county," approved March 20, 1874, is hereby amended to read as follows:

Stats 1911, p. 349, amended.

Sec. 5. All elections hereafter held in said levee district for the election of directors shall be held at the same time and places within said levee district as the general state or county elections are held, and be conducted by the same election officers as shall hold and conduct such general elections, but separate ballot boxes and separate poll lists shall be provided and kept for such elections for directors, and separate returns thereof shall be made to the board of supervisors, and shall be by it canvassed and disposed of as provided for canvassing and disposing of the returns for the election of county officers. Only electors of said district who are owners of record of real estate situate in said district at the date of such election shall be entitled to vote at such elections. The directors of the district shall, at least five days before the date of any election therein for district purposes, prepare or cause to be prepared from the public records of Sutter county a list of electors arranged in alphabetical order who are owners of real property in said district at the time of the preparation of such list, and shall certify the same or cause the same to be certified and a copy of the list so certified shall be delivered to each election board in said district, immediately prior to the date of any election to be held therein, and no elector shall be permitted to vote at any election in said district unless his or her name appears on said list unless such elector shall, before

Elections.

List of electors.

offering to vote, furnish the election board with an affidavit, subscribed and sworn to by such elector before a notary public, or other officer authorized to administer oaths, showing that such elector is the owner of real property situate within said district. The treasurer of Sutter county shall be ex officio tax collector and ex officio treasurer of such district. The assessor of Sutter county shall be ex officio assessor of said district.

Tax collector,
treasurer and
assessor.

Stats 1907,
p. 48,
amended.

Assessments
after June
30, 1924.

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

SEC. 6. After the fiscal year ending June 30, 1924, no assessment of the property of said district shall be made except when deemed necessary by the board of directors of said district. After said date whenever, in the discretion of the board of directors of said district, it may become or appear to be necessary that funds be provided for the care and maintenance of the levees of said district, or for any other purpose, it shall be proper resolution to be passed and adopted by said board and entered in the minutes of the proceedings thereof, direct the ex officio assessor of said district to make an assessment of the real property of said district, and a copy of said resolution duly certified by the clerk of said board, shall be delivered to said ex officio assessor between the first and tenth days of January in the year when such assessment is to be made.

Stats. 1907,
p. 49,
amended

Duty of
assessor.

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

SEC. 7. It shall be the duty of the ex officio assessor of the district, between the first Monday in March and the first Monday in July of each year in which an assessment of the real property of the district is to be made as in this act provided, including the year of 1924, to assess at its actual cash value all the real property in said district to the persons owning or claiming the same at noon on the first Monday in March of the year when such assessment is to be made, and to enroll the same upon the assessment roll to be prepared by him; but no mistake in the name of the owner or supposed owner of such real property shall render the assessment thereof invalid. When such assessment roll has been completed by the ex officio assessor of the district he shall deliver the same to the board of directors, and such delivery shall be made on or before the first Monday in July of the year in which said assessment is made.

Stats 1911,
p. 370,
amended.

Annual
meeting.

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

SEC. 8. The board of directors must meet on the first Monday in July of each year in which an assessment is made to examine the assessment roll and equalize the assessment of property of said district. It must continue in session for that purpose, from time to time, until the business of equalization is disposed of but not later than the third Monday in July. The board has power, after giving notice in such manner as it may by rule prescribe, to increase or lower the entire assess-

ment roll or any assessment contained therein, so as to equalize the assessment of the property contained in said roll, and make the assessment conform to the true value of the property in money. During such session the board may correct any errors, omissions, or defects in form or description in the assessment roll, and may direct the ex officio assessor of the district to assess any real property that has escaped assessment. Upon the hearing of any question arising during the course of such equalization, the board may subpoena such witnesses, and hear and take such evidence in relation to the subject pending, as in its discretion it may deem proper. The clerk shall note all alterations made in valuations or assessments, and within five days after the session have the total values, as finally equalized by the board, extended into columns, and added up, and shall forthwith deliver the assessment roll so corrected, to the county auditor. In order to find the per cent. of taxes necessary to be levied, the board shall find:

First—The amount necessary to pay the interest and any part of the principal that may become due for the then current year on the funded debt of said district. Per cent of taxes necessary.

Second—The probable amount that may be needed for repairs, etc.

Third—The amount needed for salaries, fees and delinquencies.

Fourth—The amount of floating debt that it may be desirable to pay during the then current year; and from these several amounts shall find the rate per cent necessary to produce the probable fund needed for the ensuing year.

The board of directors shall meet on the third Monday in September and fix such rate, and when so fixed, the clerk of the board shall certify the same to the county auditor. Rate fixed. The auditor must then compute, and enter into a separate money column in the assessment book, the respective sums, in dollars and cents, rejecting the fractions of a cent, to be paid as a tax on the property therein enumerated, and foot up the column, showing the total amount of such taxes, and on or before the second Monday in October said auditor must deliver said assessment book to the ex officio tax collector of the district. On delivering the assessment book to the ex officio tax collector, the auditor must charge the ex officio tax collector with the full amount of the taxes levied and unpaid. On receipt of such assessment book the ex officio tax collector of the district must publish a notice for at least two weeks in one or more newspapers published in the district, specifying that all taxes are due and payable, and that the same will be delinquent at noon on the first Monday of January next succeeding, and that unless paid prior thereto a penalty of ten per cent will be added thereto. Monthly settlements. On the first Monday in each month the ex officio tax collector must settle with the auditor for all moneys collected for the district, and pay the same to the ex officio treasurer of the district, and on the third Monday in May of each year the said ex officio tax collector must attend at the office of the auditor with the assessment book, having all

items of taxes and penalties collected marked "paid," and at the same time he shall deliver to the auditor the assessment roll of the district. The auditor shall thereupon credit the ex officio tax collector with all unpaid taxes, and shall make out and deliver a list of the same to the board of directors, and said board of directors shall commence an action, or actions, as provided in section nine of this act, for the collection thereof.

Stats. 1907,
p. 50,
amended.

Taxes a
lien.

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

SEC. 9. From and after the delivery of said assessment roll to the ex officio tax collector of the district, which must not be later than the second Monday in October following the assessment, the taxes levied against any tract of land within the district shall constitute a lien thereon, and such taxes shall be due and payable from the owner of such land immediately, and in any action brought to collect such tax, or to enforce such lien, the district assessment roll, or a copy of any assessment thereon, certified by the ex officio tax collector, shall be prima facie evidence of the matters therein contained, that the assessment of said property and the equalization thereof, and the levy of such taxes, were legally made, and that the officers making the same were duly authorized by law to make the same. If such taxes be not

Delinquent.

paid before noon of the first Monday in January next succeeding, the same shall then become delinquent, and the ex officio tax collector shall add thereto a penalty of ten per cent, which shall also become due and payable from the owner and a lien upon said land, and a cause of action shall then accrue for such taxes and penalty. At any time thereafter the board of directors may commence and maintain in the superior court of Sutter county a civil action in the name of the district and against all proper parties for the recovery of such delinquent taxes and penalty, with legal interest thereon and costs, and for the enforcement of the lien thereof on the land assessed. For the information of the board the ex officio tax collector shall, whenever required, furnish said board with a complete list of all delinquent taxes, and of the persons owing the same, and with a certified copy of any assessment contained in the assessment roll.

Actions to
recover.

Parties
defendant.

In such action any person holding or claiming any interest in the land upon which such taxes were levied, or who is a proper or necessary party to a complete determination of any question involved in the action, may be joined as defendant.

Procedure.

Notice of the pendency of such action may be filed in the office of the county recorder of Sutter county at any time after such action is commenced, containing matters required by section four hundred and nine of the Code of Civil Procedure of California, and with like effect as in other actions affecting real property; and, except as herein otherwise provided, the rules governing civil procedure in other actions, as expressed in said code, shall prevail in such action.

In such action the court may decree and adjudge a lien against the land for the amount of taxes levied against the same, together with the delinquent penalty and all costs of suit, which costs shall include reasonable attorneys' fees, to be fixed by the court, and may order the land to be sold as in other cases, to satisfy such lien. All taxes, penalties and costs collected by virtue of this act shall be forthwith paid into the treasury of Sutter county to the credit of said district.

SEC. 6. Section ten of said act is hereby amended to read as follows: Stats. 1911,
p. 351,
amended.

Sec. 10. All moneys received or collected for or on behalf of said district shall be paid into the county treasury of said Sutter county in the same manner as county moneys are required by law to be paid into the county treasury; and upon receipt of any money from the ex officio tax collector of said district, or for the benefit thereof from any other source, the ex officio treasurer of said district shall place the same to the credit of the levee district number one fund, from which he shall set apart a sum sufficient to pay the interest and such part of the principal as may become due during the current fiscal year on any bonded indebtedness of the district, if any, and shall pay the same out in accordance with the law under which such bonds were issued; the remainder of such levee district number one fund shall be paid out only on warrant drawn by the county auditor of Sutter county upon such fund and paid by the ex officio treasurer of the district in the same manner as county moneys are required by law to be paid out. When warrants are presented to the ex officio treasurer of the district, and not paid for want of funds, such indorsement must be made thereon, and they must be registered and bear interest from their date at the rate of six per cent per annum, and such warrants shall be considered as contracts in writing for the payment of money, and the period prescribed for the commencement of an action based upon said warrants, or connected therewith, is and shall be a term of four years from the date of said warrants. Levee dis-
trict No. 1
fund.

SEC. 7. Section eleven of said act is hereby amended to read as follows: Stats. 1911,
p. 352,
amended.

Sec. 11. The directors shall each receive an annual salary of five hundred dollars payable in quarterly installments of one hundred and twenty-five dollars each on the first Monday in March, June, September and December of each year, which sum shall be in full compensation for all services of every nature or kind rendered by said directors. During the years that an assessment is made in said district the ex officio assessor of the district shall receive an annual salary of six hundred dollars, payable in two equal installments of three hundred dollars each on the first Monday in May and August of each year. The ex officio tax collector and ex officio treasurer of the district shall receive a combined annual salary of six hundred dollars, payable quarterly on the first Monday in Warrants
not paid.

Salaries.

March, June, September, and December of each year. The auditor of Sutter county shall receive an annual salary of two hundred fifty dollars for his services to said district, payable in equal installments on the first Monday in June and December of each year. Election officers at any and all elections held in the district shall receive for their services such sum as the board of directors shall deem just and reasonable.

Repealed.

SEC. 8. All acts and parts of acts in conflict with this act are hereby repealed.

CHAPTER 385.

An act to amend section nineteen f of an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March eighth, nineteen hundred nine, as amended by an act approved April fifth, nineteen hundred eleven, and as amended by an act approved June sixteenth, nineteen hundred thirteen, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended.

[Approved June 16, 1923.]

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

Stats. 1921,
p. 942,
amended.

SECTION 1. Section nineteen f of an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March eighth, nineteen hundred nine, as amended

by an act approved April fifth, nineteen hundred eleven, and as amended by an act approved June sixteenth, nineteen hundred thirteen; and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, is hereby amended to read as follows:

19f. In counties of the seventh class there shall be one probation officer and two assistant probation officers. The salaries of such officers shall be as follows: Probation officer, two thousand four hundred dollars per annum; one assistant probation officer, two thousand one hundred dollars per annum; and one assistant probation officer, one thousand eight hundred dollars per annum.

Counties of
7th class,
salary of
probation
officer.

CHAPTER 386.

An act to regulate the erection, construction, reconstruction, moving, alteration, maintenance, use and occupancy of apartment houses and hotels, in all parts of the State of California, including incorporated towns, incorporated cities, and incorporated cities and counties, and to regulate the erection, construction, reconstruction, moving, alteration, maintenance, use and occupancy of dwellings in incorporated towns, incorporated cities and incorporated cities and counties, and the maintenance, use and occupancy of the premises and land on which such apartment houses, hotels and dwellings are erected or located, and to provide for its enforcement, and to provide penalties for the violation thereof; and repealing an act entitled "An act to regulate the erection, construction, reconstruction, moving, alteration, maintenance, use and occupancy of tenement houses, and the maintenance, use and occupancy of the premises and land on which tenement houses are erected or located, in all parts of the State of California, including incorporated towns, incorporated cities, and incorporated cities and counties, and to provide penalties for the violation thereof"; and repealing an act entitled "An act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof, approved April 16, 1909, statutes of California of 1909, page 948," approved April 10, 1911, statutes of California of 1911, page 860, and approved June 13, 1913, statutes of California, 1913, page 737, and approved May 29, 1915, statutes of California, page 952, and all acts amendatory thereof," and approved May 31, 1917, statutes of California of 1917, page 1473; and repealing an act entitled "An act to regulate the erection, construction, recon-

struction, moving, alteration, maintenance, use and occupancy of hotels, and the maintenance, use and occupancy of the premises and land on which hotels are erected or located, in all parts of the State of California, including incorporated towns, incorporated cities, and incorporated cities and counties, and to provide penalties for the violation thereof; and repealing an act entitled 'An act to regulate the building and occupancy of hotels and lodging houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof,' approved June 16, 1913, statutes of California of 1913, page 1429," and approved May 31, 1917, statutes of California of 1917, page 1422; and repealing an act entitled "An act to regulate the construction, reconstruction, moving, alteration, maintenance, use and occupancy of dwellings, and the maintenance, use and occupancy of the premises and land on which dwellings are erected or located, in incorporated towns, incorporated cities, and incorporated cities and counties, and to provide penalties for the violation thereof," and approved May 31, 1917, statutes of California of 1917, page 1461.

[Approved June 15, 1923.]

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

Title of act, and its application.

SECTION 1. This act shall be known as the "state housing act" and its provisions which relate in any manner whatsoever to "apartment houses" and "hotels" shall apply to all parts of the State of California, including incorporated towns, incorporated cities, and incorporated cities and counties, and its provisions which relate to "dwellings" shall apply to all incorporated towns, incorporated cities, and incorporated cities and counties in the State of California.

Enforcement in cities.

SEC. 2. It shall be the duty of the "building department" of every incorporated town, incorporated city, and incorporated city and county, to enforce all the provisions of this act pertaining to the erection, construction, reconstruction, moving, conversion, alteration and arrangement of apartment houses, hotels and dwellings and to issue the certificate of "final completion" hereinafter provided.

If no housing department.

It shall be the duty of the "housing department" or if there is no housing department the health department of every incorporated town, incorporated city, and incorporated city and county to enforce all of the provisions of this act pertaining to the maintenance, sanitation, ventilation, use and occupancy of apartment houses, hotels or dwellings after said apartment houses, hotels or dwellings have been erected, constructed, or altered, as the case may be, and the certificate of "final completion" has been issued by the building department, and to issue the "permit of occupancy" as hereinafter provided.

If no building, housing or health department.

In the event that there is no building department or no housing department or health department in an incorporated

town, incorporated city or incorporated city and county, it shall be the duty of the officer or officers who are charged with the enforcement of ordinances and laws regulating the erection, construction, or alteration of buildings, or the maintenance, sanitation, ventilation or occupancy of buildings, or of the police, fire or health regulations in said incorporated town, incorporated city or incorporated city and county to enforce all of the provisions of this act.

In every county it shall be the duty of the officer or officers who are charged with the enforcement of ordinances or laws regulating the erection, construction or alteration of buildings, or of the maintenance, sanitation, occupancy and ventilation of buildings, or of the police, fire or health regulations in said county, to enforce all of the provisions of this act pertaining to apartment houses and hotels outside of the limits of any incorporated town or incorporated city.

Enforcement in counties.

Every incorporated town, incorporated city, or incorporated city and county, and county in the State of California shall have, and it is hereby empowered and given authority to designate and charge by ordinance any other department or officer than the department or officers mentioned herein, with the enforcement of this act, or any portion thereof.

Local authorities may designate who to enforce.

The commission of immigration and housing of California shall have, and it is hereby empowered and given authority to enforce the provisions of this act, which do not pertain to the actual erection, construction, reconstruction, moving, alteration or arrangement of apartment houses, hotels and dwellings, in all incorporated towns, incorporated cities and incorporated cities and counties, and counties in the State of California; *provided, however*, in incorporated towns, incorporated cities and incorporated cities and counties where there exists an officer or department or departments, charged with the enforcement of this act, whenever said commission finds or discovers a violation, or violations of the provisions of this act, and notifies the local department or officer, or departments or officers, in writing of such violation or violations and the violation is, or violations are not corrected within thirty days thereafter, then the said commission of immigration and housing of California, may enforce the provisions of this act that said commission is herein empowered and authorized to enforce and *provided, however*, that the said commission of immigration and housing of California shall enforce the provisions of this act only in the instances specified in said written notice.

Enforcement by commission of immigration and housing.

SEC. 3. It shall be unlawful for any person, firm or corporation to violate or cause, or permit to be violated any of the provisions of this act.

Violations of act.

SEC. 4. It shall be unlawful for any person to make any alterations or changes, or reconstruction work of any kind whatsoever, to any existing building or to increase the height of any building or the percentage of the lot occupied, or in any manner to diminish the size of the yards, courts or shafts

Unlawful construction.

or the size of windows or skylights, or to remove any stairway or fire escape, or to obstruct the egress from such building or from the hallways or stairways, or to do anything that would affect the ventilation, sanitation or safety of the building, contrary to any of the provisions of this act.

Unlawful
alteration or
conversion.

SEC. 5. A building or structure not erected for use as an apartment house, hotel or dwelling, if hereafter converted to or altered for such use, shall thereupon become subject to all of the provisions of this act affecting an apartment house, hotel or dwelling, as the case may be, hereafter erected.

Building
moved.

A building erected for use as an apartment house, hotel or dwelling if moved, shall be made to conform to all of the provisions of this act affecting such a building hereafter erected, in so far as such provisions pertain to the percentage of lot occupied and the size of outer courts, inner courts bounded by a lot line, yards and heights.

Reconstruc-
tion of
damaged
building.

It shall be unlawful to reconstruct any building which is hereafter damaged by fire or the elements to an extent in excess of sixty (60) per cent of its physical proportion, unless the said building is made to conform to all of the provisions of this act affecting buildings hereafter erected.

Combined
apartment
house and
hotel.

Any building hereafter erected, altered or converted as a combined apartment house and hotel, containing both apartments and guest rooms, shall comply with all of the requirements of this act for apartment houses and hotels in so far as such provisions are applicable to those portions of the building used, designed or intended for use of apartments or guest rooms as the case may be and any such building shall be provided with a rear yard as required for apartment houses. The portion or portions of such building containing apartments, including every apartment in the building, must comply with all apartment house requirements, and the portion or portions of such building used for hotel purposes, including every guest room and dormitory, must comply with all hotel requirements. A hotel classification of any building shall not be construed to allow rooms in apartments to be reduced in size or allow exhaust ventilation for water closet, toilet, bath or shower compartments which are required by this act for apartment houses and for apartments located therein.

Penalties.

SEC. 6. Any person, firm or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine not exceeding five hundred dollars, or by imprisonment in a county jail not exceeding six months, or by both such fine and imprisonment, and in addition to the penalty therefor, shall be liable for all costs, expense and disbursements paid or incurred by the department, by any of the officers thereof, or by any agent, employee or contractor of same, in the prosecution of such violation. The costs, expense and disbursements by this section provided shall be fixed by the court having jurisdiction of the matter.

Procedure.

Except as herein otherwise specified, the procedure for the prevention of violations of this act, for the vacation of build-

ings or premises unlawfully occupied, or for the abatement of a nuisance in connection with a building or the premises thereof, shall be as set forth in the charter and ordinances of the municipality in which the procedure is instituted.

SEC. 7. In every incorporated town, incorporated city, and incorporated city and county, it shall be unlawful to commence or to proceed with the erection, construction, reconstruction, conversion, or alteration of a building, or to move or to build upon a building or any portion thereof, or to convert a building, or any portion thereof for use as an apartment house or hotel or dwelling, without first obtaining a permit in writing so to do from the department charged with the enforcement of this act. In the case of dwellings, the department charged with the enforcement of this act need not require permits where the changes, alterations or repairs are of a minor nature and do not affect provisions of sanitation, ventilation, safety or structural features of the said building. Any person, firm or corporation desiring a permit shall file an application therefor with the department charged with the enforcement of this act. Said application shall give a detailed statement in writing, of the erection, construction, reconstruction, moving, conversion, or alteration, as the case may be, upon blanks or forms to be furnished by the said department, except as herein otherwise provided. The said application must be accompanied with a full, true and complete set of the plans of the apartment house or hotel or alteration, or work proposed, as the case may be, together with a set of specifications describing the materials proposed to enter into the erection or alteration of the proposed work, also a plan of the lot on which such building is proposed to be erected, constructed, reconstructed, converted, altered, or moved, as the case may be, and such lot plan shall clearly indicate or show an outline of any existing building or structure thereon. Such statement shall give in full the name and address by street and number of the owner or owners, also the name and address of the architect and of the contractor, if there be such an architect or contractor.

The department charged with the enforcement of this act shall cause all plans, specifications and statements filed to be examined, and if it appears that they conform to the provisions of this act, shall issue a permit to the person submitting the same. Said department may, from time to time, approve changes in any plans, specifications or statements previously approved by it; *provided*, that all changes when so made shall be in conformity with the provisions of this act. Said department shall have the power to revoke or cancel any permit or approval that it has previously issued in case of any refusal, failure or neglect of the person to whom such permit or approval has been issued to comply with any of the provisions of this act, or in case any false statement or misrepresentation is made in any of the said plans, specifications or statements submitted or filed for such permit or approval. The erection, construction, reconstruction, moving, alteration or conversion

Building permits.

Application.

Plans and specifications.

Examination

Changes.

Cancellation of permit.

of any such building shall be made in accordance with the plans, specifications and statements submitted or filed and upon which the permit is issued.

Approved plans, etc to be kept on premises.

A true copy of the plans, specifications and other information submitted or filed, upon which a permit is issued, with the approval of the department with which they are filed, stamped or written thereon shall be kept upon the premises of the building or work for which the said permit is issued, from the commencement of the said building or work to the final completion of same, and shall be subject to inspection at all times by proper authorities.

Permit for alterations or repairs.

The department charged with the enforcement of this act may, at its discretion, issue a permit in case of nominal alterations or repairs, when application is made therefor, in writing, by the owner or his agent, when the making of said nominal alterations and repairs do not affect any structural feature or the sanitation or the ventilation of the apartment house, or hotel, as the case may be, without requiring the filing of plans or specifications.

The issuance or granting of a permit or approval by the department charged with the enforcement of this act under the authority of this section shall not be deemed or construed to be a permit or an approval of any violation of any of the provisions of this act.

Expiration of permit.

Every permit or approval which is issued by the department charged with the enforcement of this act, but under which no work has been done within ninety days from the date of issuance, or where work has been suspended for a period of ninety days, shall expire by limitation and a new permit shall be obtained before the work may be done.

"Certificate of final completion" and "permit of occupancy."

SEC. 8. In every incorporated town, incorporated city, and incorporated city and county, it shall be unlawful to occupy or to permit to be occupied any apartment house or hotel hereafter erected, constructed, reconstructed, altered, converted or moved, as the case may be, or any portion thereof, for human habitation until the issuance of a "certificate of final completion" and a "permit of occupancy" by the department or departments charged with the enforcement of this act.

Any person desiring a certificate of final completion shall file a written application therefor with the department charged with the enforcement of this act. The said department shall cause an inspection to be made of the apartment house or hotel or portion thereof, or work described in the said written application, within ten days after the written application is filed, and shall issue a "certificate of final completion" if it is found that all the provisions of this act, regulating the erection, construction, alteration or moving, as the case may be, have been complied with.

The department charged with the enforcement of this act and designated to issue the permit of occupancy shall issue the said "permit of occupancy" upon application, in writing, therefor by the owner or his agent, and upon the filing by the

owner or his agent of the "certificate of final completion"; *provided*, that no violations have occurred since the issuance of the "certificate of final completion" or in the case of an apartment house or hotel erected prior to the passage of this act, and for which no "certificate of final completion" has been issued then after the said department has caused an inspection to have been made of the said apartment house or hotel and has found that the provisions of this act applying to such an apartment house or hotel have been complied with.

All permits and certificates shall be made in duplicate and a copy shall remain on file in the department issuing them.

In every incorporated town, incorporated city, and incorporated city and county, every owner or lessee of every apartment house occupied by five or more families or hotel shall obtain a permit of occupancy herein provided from the department designated by this act to issue permits of occupancy which permit of occupancy shall run from the date of its issuance until revoked. Such permit of occupancy shall not issue unless such apartment house or hotel conforms to the provisions of this act regarding sanitation. Every permit of occupancy so issued shall be displayed in some conspicuous place in the building so as to be readily seen by the authorized representatives of any department charged with the enforcement of this act and the department or departments charged with enforcement of this act may cause it to be vacated until the said certificate of final completion and permit of occupancy have been obtained in accordance with the provisions of this act.

Apartment
house or
hotel.

Any apartment house or hotel or any portion thereof which is occupied for human habitation, prior to a "certificate of final completion" or a "permit of occupancy" being issued, shall be deemed an unlawful structure, and the department of health, or the department or departments charged with the enforcement of this act may cause such building to be vacated, and such building shall not again be occupied until it or its occupancy, as the case may be, has been made to conform with the law.

Occupancy
without
permit.

Sec. 9. The department or departments charged with the enforcement of this act in any incorporated town, incorporated city, incorporated city and county, or county, and the authorized officers, agents or employes of such department or departments, may, whenever necessary, enter buildings or portions thereof, or the premises thereof, within the corporate limits of such towns, cities, cities and counties, or counties, for the purpose of inspecting such buildings, in order to secure compliance with the provisions of this act and to prevent violations thereof.

Inspection
of buildings.

The members of the commission of immigration and housing of California and the officers or employes of said commission may, whenever necessary, enter buildings or portions thereof, or the premises thereof, for the purpose of inspecting such buildings in order to secure compliance with the provisions of this act and to prevent violations thereof.

The owner or his authorized agent may, whenever necessary, enter buildings or portions thereof, or the premises thereof, owned by him, to carry out any instructions or to perform any work required to be done by the provisions of this act.

Dwelling
houses.

Provided, however, that the authority to enter buildings, as in this section given to the persons hereinbefore enumerated, shall not be construed or deemed to apply to the entering of any dwelling between the hours of six o'clock p.m. of any day and six o'clock a.m. of the succeeding day, without the consent of the owner or of the occupants of such dwellings, but in no event shall the authority in this section given be construed as permitting any of the persons hereinbefore enumerated to enter any dwellings in the absence of the occupants thereof without a proper written order, duly executed by a competent court authorized to issue such orders.

Words and
phrases.

SEC. 10. For the purpose of this act, certain words and phrases are defined as follows, and certain provisions shall be construed as herein set out, unless it shall be apparent from their context that they have a different meaning:

Words used in the singular include the plural, and the plural the singular.

Words used in the present tense include the future.

Words used in the masculine gender include the feminine, and the feminine, the masculine. Words "building department," "housing department," "health department," "department charged with the enforcement of this act," "fire commissioner," shall be construed as if followed by the words, "of the incorporated town, incorporated city, incorporated city and county, or county," as the case may be, in which the building is situated or proposed to be situated.

Words and phrases not defined in this act are construed according to the approved usage of the language.

"Apartment."

"Apartment" is a room or suite of rooms which is occupied or is intended or designed to be occupied by one family for living and sleeping purposes in an apartment house or dwelling.

"Apartment house."

"Apartment house" is any building, or portion thereof, more than one story in height, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their cooking in the said building.

"Approved"

"Approved" means whatever material, appliance, appurtenance, or other matter meets the requirements and approval of the department charged with the enforcement of this act; *provided, however,* that should any material, appliance, appurtenance, or other matter, not meet the requirements and approval of said department then in that event any material, appliance, appurtenance, or other matter which conforms to the requirements of, and bears the approval of the "National Board of Fire Underwriters," or the "Underwriters' Laboratories, Inc." shall be deemed approved.

“Basement” in an apartment house or hotel is any portion thereof partly below the level of the actual adjoining ground level, the ceiling of which in no part is less than seven feet above the actual adjoining ground levels. If the adjoining ground is excavated to or below the curb level, or to or below the adjoining natural ground level, such excavated space shall have not less than the minimum width and length required in this act for outer courts. “Base-
ment.”

“Building” is an apartment house, hotel or dwelling as the case may be or a combination of any two or more such buildings. “Building.”

“Building department” means the commissioner of buildings, superintendent of buildings, chief inspector of buildings, board of public works, or any other officer or department charged with the enforcement of ordinances and laws regulating the erection, construction and alteration of buildings or structures. “Building
depart-
ment.”

“Cellar” in a building is any portion thereof, the ceiling of which in any part is less than seven feet above the actual adjoining ground levels and which is not a basement as defined in this act. “Cellar.”

“Court” is an open, unoccupied space other than a yard on the lot on which a building is erected or situated. A court, one entire side or end of which is bounded by a front yard, a rear yard or a side yard, or by the front of lot, or by a street or a public alley, is an “outer court.” Every court which is not an “outer court” is an “inner court.” “Court”

Every court shall be open and unobstructed to the sky from a point not more than two feet above the floor line of the lowest story in the building in which there are windows from rooms or apartments abutting the said court and served by the said court, except that a cornice, belt course or similar projection on the building may extend into an “outer court” two inches for each one foot in width of such court, and may extend into an “inner court” one inch for each one foot in width of such court: *and provided, further*, that a cornice or similar projection may extend any distance desired into a court provided the minimum unobstructed width of the court is maintained.

“Curb level” is the curb level opposite the center of the “front of lot,” and if a curb level has not been established it means the average ground level at the “front of lot.” “Curb
level.”

Wherever the word “department” is used it means the building department, the housing department, the health department or such other department or officer or commission, or departments or officers, who are charged with the enforcement of the provisions of this act. “Depart-
ment.”

“Dormitory” is a room in which more than two persons are “guests” and are not living together, and shall, for the purpose of computing the number of rooms, be deemed a separate guest room for each one hundred square feet of superficial floor area therein. “Dormi-
tory.”

"Dwell-
ing."

"Dwelling" is any building, or any portion thereof, which is not an "apartment house" or a "hotel" as defined in this act, and which contains one or more "apartments" or "guest rooms," used or intended or designed to be used, built, rented, leased, let or hired out to be occupied, or are occupied for living purposes.

"Family."

"Family" is one person living alone or a group of two or more persons living together in an apartment, whether related to each other by birth or not.

"Fireproof
building."

"Fireproof building" is a building wherein all the exterior and interior loads or stresses are transmitted to the foundation by means of concrete, reinforced concrete, brick, stone, or by means of a skeleton framework of steel or iron, or of reinforced concrete or a combination of such materials; the exterior walls, inner court walls and roof constructed of concrete, reinforced concrete, brick, stone, terra cotta or concrete tile; where all the structural steel or iron is thoroughly fire-proofed by concrete, cement plaster, tile, brick or sandstone, not less than two inches thick; where all the interior partitions are constructed of terra cotta or concrete tile or blocks, gypsum blocks, brick, concrete, reinforced concrete, or of metal studs lathed with metal lath and plastered not less than three-quarters of an inch thick, or constructed of wire glass not less than one-fourth inch thick set in metal frame and sash, and all other materials used in the said building are of approved fire resistive or incombustible material, except that the glass in windows, transoms or doors may be in plain glass, and except that doors, frames, sash and the usual trim of rooms, hallways, corridors and passageways may be of wood, and except that wood floors may be placed on top of the floors constructed of incombustible materials, except in the stairways and public hallways.

"Guest."

"Guest" is any person hiring and occupying a room for sleeping purposes, and shall include both boarders and lodgers.

"Guest
room."

"Guest room" is a room which is occupied, or is intended, arranged or designed to be occupied for sleeping purposes by one or more guests, but shall not be deemed to include dormitories used for sleeping purposes.

"Hotel."

"Hotel" is any building or portion thereof, containing six or more guest rooms used or intended or designed to be used, let or hired out to be occupied, or which are occupied by six or more guests, whether the compensation for hire be paid directly or indirectly in money, goods, wares, merchandise, labor or otherwise, and shall include hotels, lodging and rooming houses, dormitories, turkish baths, bachelor hotels, studio hotels, public and private clubs, and any such building of any nature whatsoever so occupied, designed or intended to be occupied, except jails, hospitals, asylums, sanitariums, orphanages, prisons, detention and similar buildings where human beings are housed and detained under legal restraint.

"Housing
depart-
ment."

"Housing department" is any department or commission charged with the enforcement of ordinances or laws regulat-

ing the occupancy and maintenance of buildings; and where no such department is maintained, shall be deemed to be the health commissioner, the department of health, health officer, or similar department charged with the enforcement of laws and ordinances relating to the protection of the public health.

“Kitchen” is any room used or intended or designed to be used for cooking and preparation of food. “Kitchen.”

“Lot” is a parcel or area of land on which is situated a building together with the land, yards, courts and unoccupied spaces required by this act for such building; all of which land shall be owned by or be under the absolute lawful control and in the lawful possession of the owner of the building. “Lot.”

A lot situated at the junction of two or more intersecting streets, with a boundary line thereof bordering on each of the two streets is a “corner lot.” All parts of the width of such a corner lot which are distant more than seventy-five feet from the junction point of the two or more intersecting streets, shall be deemed to be an “interior lot.” The owner or his authorized agent may designate either street frontage as being the front of such corner lot for the purpose of determining the width thereof. A lot which is not a “corner lot” is an “interior lot.” “Front of lot” is the boundary line of lot bordering on the street. In case of a corner lot, either frontage may be the “front of lot.” “Rear of lot” is the boundary line of lot opposite the “front of lot.” “Depth of lot” is the mean distance from the “front of lot” to the “rear of lot.”

“Nuisance” embraces public nuisance as known at common law or in equity jurisprudence, and whatever is dangerous to human life or detrimental to health, and shall also embrace the overcrowding with occupants of any room, insufficient ventilation, or illumination, or inadequate or insanitary sewerage or plumbing facilities, or uncleanness, and whatever renders air, food or drink unwholesome or detrimental to the health of human beings. “Nuisance.”

“Occupied space” is all the space covered by a building including outside stairways, platforms, fire escapes, balconies, fire towers, chimneys, vent shafts not exceeding thirty-two square feet in area, cornice which projects into a court or a yard more than is permitted elsewhere in this act except that outside stairways, platforms and balconies constructed of open metal work and fire escapes may extend not exceeding four feet beyond the exterior walls of the building into a yard or court provided they do not in any manner obstruct the light and ventilation of the rooms or apartments, and except that a retaining wall may extend not to exceed twelve inches into a yard or court. For the purpose of determining occupied space the area of the building shall be taken at the lowest story or portion thereof used for living or sleeping purposes. “Occupied space.”

“Person” is a natural person, his heirs, executors, administrators or assigns; and also includes a firm, partnership or corporation, its or their successors or assigns. “Person.”

"Plasterboard"

"Plasterboard" is any type of wallboard used as a base for plastering. "Plasterboard" of an approved type composed of seventy-five per cent of non-inflammable materials and not less than three-eighths ($\frac{3}{8}$) inch thick and provided with a mechanical key bond on the face thereof may be used in lieu of metal lath where metal lath is specified, except where in this act otherwise provided and except where the context of the provision makes it apparent such substitution is not permitted. Such plasterboard shall be first "approved" as to its fire resisting qualities as in this act provided. All such plasterboard used in lieu of metal lath shall have applied thereon not less than three-eighths ($\frac{3}{8}$) of an inch of plaster in a thorough workmanlike manner and wherever plasterboard is permitted for use in lieu of metal lath on the weather side of exterior walls or the weather sides of the walls or partitions of courts, shafts or vent shafts the plasterboard shall have applied thereon, before it is plastered, a reinforcement of metal lath or redipped or galvanized wire mesh of not less than number eighteen (18) gauge.

"Public hallway"

"Public hallway" is a hallway, corridor, passageway or vestibule not within an apartment in an apartment house, or not within a suite of rooms in a hotel, and includes stairways, landings and platforms.

"Semifireproof building,"

"Semifireproof building" is a building which does not fully comply with the requirements of this act for a fireproof building as defined in this act and with all exterior walls and walls of inner and outer courts and recesses constructed of brick, stone, concrete, reinforced concrete, terra-cotta or concrete tile or similar approved fire resistive or incombustible materials and that conforms in all other respects to the provisions of this act for semifireproof buildings; *provided, however,* that the exterior walls of inner courts surrounded on four sides by the same building may be constructed as hereinafter provided for such inner courts by section fifty-seven of this act.

In every semifireproof building designed and built to exceed four stories in height, all the interior walls, partitions and ceilings therein and the soffits of stairways and the stairwells shall be constructed of the same kind of materials and in the same manner hereinbefore provided for fireproof buildings or the interior walls, partitions and ceilings and the soffits of stairways and the stairwells and the ceilings of basements or cellars therein may be of wooden construction and shall be lathed with metal lath and plastered not less than three-fourths inch thick.

In every semifireproof building designed and built not to exceed four stories in height, all the walls and partitions and ceilings of public hallways and the soffits of stairways and the stairwells and the ceilings of basements or cellars therein shall be constructed of the same kind of materials and in the same manner hereinbefore provided for semifireproof buildings designed and built to exceed four stories in height, or such walls and partitions and ceilings of public hallways and the soffits of stairways and the stairwells and the ceiling of base-

ments or cellars therein shall be of wooden construction and shall be lathed with metal lath and plastered not less than three-fourths inch thick.

The roofs of every semifireproof building shall be constructed of approved incombustible materials or be well covered with composition fire resistive or fire retardent materials.

In semifireproof buildings the usual trim of rooms and hallways, finished floors, windows and doors and the frames therefor may be of wood and the glass in windows and doors may be in plain glass except where in this act otherwise prescribed.

“Shaft” is any shaft whether for air, light, ventilation, elevator or dumb waiter. A vent shaft is one used solely to ventilate or light water-closet compartments and bath rooms and in an apartment house or hotel, hereafter erected, no window or windows from a living room, bed room, kitchen or other room or place used for cooking, preparation or storage of food, shall open onto such a vent shaft. Every vent shaft shall be open and unobstructed to the sky. “Shaft.”

“Shall”; whenever this word is used it shall be mandatory. “Shall.”

“Street” is any public street, public alley, thoroughfare or public park having a minimum width of sixteen feet, measured from the “front of lot” to the opposite “front of lot,” and which shall have been dedicated or decded to the public for public use. “Street.”

“Superficial floor area” as used in this act shall be deemed to mean all the floor area exclusive of built-in dressers, clothes presses and similar features and fixtures which are a substantial part of a building and built in, and which are not readily removable. “Superficial floor area.”

“Wooden building” is a building which does not fully comply with the requirements of this act for a “fireproof building,” or a “semifireproof building” as defined in this act. In every wooden building which is an apartment house designed and built to accommodate three or more families above the first story thereof, and in every wooden building which is a hotel designed and built to accommodate six or more guests above the first story thereof, the walls, partitions and ceilings of public hallways, soffits of interior stairways and stair wells shall be constructed as hereinbefore provided for in semifireproof or fireproof buildings or shall be lathed with metal lath and plastered not less than three-quarters of an inch thick. “Wooden building.”

“Yard” is an open, unoccupied space, other than a court, on the lot on which is situated a building, open, unobstructed, from the ground to the sky, except where otherwise provided by this act. Cornices and similar projections may extend into yards in the same manner hereinbefore provided for outer courts. If such a yard is between the front line of the building and the front boundary line of the lot, it is a “front yard.” If the yard is between the extreme rear line of the “Yard.”

building and the rear of the lot, it is a "rear yard." If the yard extends from the rear yard to the front yard or front of lot, it is a "side yard."

Building
in rear of
building.

SEC. 11. A building shall not be erected behind another building or structure and there shall not be placed a building or structure in the front of a building unless the rear building shall have left an open, clear, and unobstructed space not less than ten feet in width, extending from the front of the rear building to the front line of the lot bordering on the street, and if said front building or structure is more than two stories in height such open and unoccupied space shall be increased two feet in width open, clear, and unobstructed to the sky for each additional story thereof; *provided, however*, that if such rear building is to be designed, built or used as a dwelling, or an apartment house not more than two stories in height accommodating not more than two families on the second story thereof, such passageway need not be maintained if the rear building has unobstructed access to a street other than the street fronting the lot or to an alley not less than ten feet in width.

Height
limit.

SEC. 12. No semifireproof apartment house or hotel hereafter erected shall exceed six stories in height at any point nor more than two times the width of the widest street to which the lot on which it is situated abuts.

No wooden apartment house or hotel hereafter erected shall exceed three stories for living or sleeping purposes at any point nor more than two times the width of the widest street to which the lot on which it is situated abuts; *provided, however*, that any such wooden apartment house or hotel having not more than three stories for living and sleeping purposes at any point may have a basement with a ceiling height of not more than eight feet above the adjoining sidewalk or ground levels, as the case may be. And, in no event, shall any wooden apartment house or hotel hereafter erected exceed fifty feet in height at any point above the adjoining sidewalk or actual ground levels.

Provided, further, that semifireproof or wooden apartment houses or hotels may be erected of a height more than two times the width of the widest street to which the lots abut on which such apartment houses or hotels are situated; *provided*, that in such apartment houses or hotels each story that is built above the height of more than two times the width of the street is set back not less than six feet from the street facade of the story immediately below such story; *and provided further*, that the height limit hereinbefore prescribed for semifireproof or wooden apartment houses or hotels is not exceeded.

For the purposes of this section, the height of a building is the perpendicular distance from the actual adjoining sidewalk or ground levels to the lowest point of the finished ceiling of the top story in the building. For the purposes of this section the width of a street shall be measured from the extreme front of the building to the front of lot opposite across the street.

No wooden building or structure not intended or designed when erected for use as an apartment house or hotel, or wooden apartment house or hotel, shall be altered or converted for use as an apartment house or hotel except it conform to the provisions of this act regarding converted or altered buildings or structures contained in section five of this act or in any manner so that it contains more than three stories occupied or intended or designed to be occupied for living and sleeping purposes, nor shall any fire proof or semi-fireproof building or structure be altered or converted for use as an apartment house or hotel unless it conforms to the provisions of section five of this act regarding altered or converted buildings or structures.

SEC. 13. On every corner lot on which an apartment house is hereafter erected, at least ten per cent of such lot shall be left unoccupied. On every interior lot on which an apartment house is hereafter erected, at least twenty-five per cent of such lot shall be left unoccupied; *provided, however*, that if either of such lots extends through from one street to another street, or a public alley, or public park, one-half of the narrowest street or public alley or public park to which the lot abuts may be considered as a part of the lot in computing the percentage of lot to be left unoccupied; except that if such one-half of the narrowest street or public alley or public park is greater than the rear yard required for the apartment house, then only as much of the said street or alley or public park as is required for the rear yard shall be considered as part of the lot for the purpose of computing the percentage of lot to be left unoccupied. Unoccupied area.

In a case where the unoccupied area of a lot, as prescribed in this section, is located on the rear of the lot behind an apartment house in such a manner that the required depth of yard is increased in all parts more than the depth required by this act for such a building, then bay-windows may project into that unoccupied area from the floors above the first floor of the building, but such bay-windows shall not project more than three feet into such added unoccupied area, and no such bay-windows shall contain more than fifteen square feet of superficial floor area and such bay-windows shall be at least four feet apart, and the superficial floor area of such bay-windows shall not be computed as occupied area in computing the percentage of the lot to be left unoccupied; *provided*, that in no event shall any bay-window project into any part of the minimum unoccupied rear yard space required by the provisions of this act to be unoccupied and in no event shall the minimum depth of yard required for the building be diminished or encroached upon. Bay-windows.

SEC. 14. On every lot on which an apartment house is hereafter erected there shall be provided a rear yard immediately behind such apartment house. In the case of an interior lot, such yard shall extend across the entire width of the lot; except that outside stairways, platforms and balconies con- Rear yard of apartment house.

structed of open metal work and fire escapes may extend not more than four feet into any yard. The minimum depth of a rear yard on an interior lot shall be not less than as set forth in the following table:

Height of building measured from top of wall to floor of yard at point abutting the rear yard	Depth of rear yard
Not exceeding 36 feet.....	10 feet
Not exceeding 48 feet.....	11 feet
Not exceeding 60 feet.....	12 feet
Not exceeding 72 feet.....	14 feet
Not exceeding 84 feet.....	16 feet
Not exceeding 96 feet.....	18 feet
Exceeding 96 feet.....	20 feet

In the case of a corner lot the rear yard shall extend across the entire width of the lot and from the lowest floor which is used for living or sleeping apartments, clear and unobstructed to the sky. The minimum depth of a rear yard on a corner lot that does not exceed one hundred feet in depth shall be not less than ten per cent of the depth of the lot nor less than five feet nor less than the minimum width required for an outer court, and in case the lot exceeds one hundred feet in depth the depth of the rear yard shall be not less than ten feet nor less than the minimum width required for an outer court; *provided further*, that in the case of a corner lot where the apartment house is designed to exceed seventy-five (75) feet in width, the rear yard may be of a uniform depth the entire width of the lot; *provided*, that in addition to the rear yard required for a corner lot there shall be added the aggregate area required for the interior lot for which the aforesaid apartment house is designed; *provided, however*, that if either lot extends through from one street to another street, or to a public alley or public park, one-half of the width of the narrowest street or public alley or public park to which such lot abuts may be considered as a part of the lot in computing the rear yard required by this section. In the case of an apartment house not more than two stories in height hereafter erected, designed and built to accommodate not more than two families above the first story thereof, the percentage of unoccupied space and sizes of rear yards may be one-half of that prescribed by sections thirteen and fourteen hereof, but in no event shall a rear yard be less than five feet in depth.

SEC. 15. Where a hotel hereafter erected is designed to have a rear yard the minimum size of such rear yard shall be not less in depth than the width of an inner court bounded on one side by a lot line, as determined by the height of the hotel building in stories in which there are guest rooms except that if such rear yard is bounded by the entire width of an outer court, or by a side yard or by a street, or by a public alley or park, then such rear yard shall be not less in depth than the width of an outer court as determined by the height

Rear yard
of hotel or
dwelling
house.

of the hotel building in stories in which there are guest rooms; *provided, however*, that if the lot extends through from one street to another street or public alley the width of such public street or alley may be considered as a part of the lot in computing the rear yard.

In a dwelling hereafter erected, which is designed to have a rear yard the minimum depth of such yard shall be not less than four feet.

Sec. 16. Every rear yard required by this act for an apartment house hereafter erected, and not bordering on a street or public alley shall have access to a street or public alley by means of an unobstructed passageway not less than three feet in clear width nor less than seven feet in clear height; and if such passageway or any portion thereof passes through a building, such portion thereof shall be built of approved incombustible materials or shall be lathed with metal lath plastered not less than three-quarters of an inch thick, or shall be lined with not less than number twenty-six (gauge) galvanized iron on solid sheathing of not less than thirteen-sixteenths inch boards, and shall be drained.

Passageway
to rear yard.

Sec. 17. Where an apartment house or hotel is now or hereafter erected upon a lot other than a corner lot no other structure of any character or kind for any use shall hereafter be placed on the front or the rear of such lot unless the minimum distance between such buildings shall be at least twenty feet, and two additional feet shall be added to such minimum distance of twenty feet for every story more than two in height of the highest building on such lot; *provided, however*, that the provisions of this section shall not apply to dwellings; *provided, further*, that a building not more than one story in height to be used as a garage for the sole use of the occupants of the apartment house erected on the same lot, may be erected in the rear of an apartment house less than twenty feet distant from the apartment house provided said garage building does not encroach upon or occupy any portion of the lot required to be used or left vacant for use as a rear yard.

Distance
between
buildings.

Sec. 18. The depth of a rear yard for an apartment house or hotel shall be measured at right angles from the extreme rear line of the building towards the rear lot line.

Measure-
ment of rear
yard

Sec. 19. Every front yard which is excavated below the level of the curb or below the adjoining ground level for the purpose of furnishing light and ventilation to a basement shall in no part be less in width and length than required for outer courts.

Front yard
below level
of curb.

Sec. 20. The width of every side yard shall be not less than the width required for an outer court and measured in the same manner as an outer court, except that the provisions of this act regarding the maximum lengths of an outer court shall not apply to a side yard; *provided*, that if there is a side yard on both sides of the building, connected one with the other across the rear of the building by a rear yard, then the width of each such side yard may be reduced twelve inches.

Side yard.

Outer courts of apartment houses.

SEC. 21. The outer courts of all apartment houses hereafter erected shall have not less than the following minimum widths nor more than the following maximum lengths as set out in the following table :

Height of building in stories based on the full number of stories in the building measured upwards from and including the lowest story in which there is an apartment or apartments	Minimum width of outer court in every part	Maximum length of outer court
2 stories.....	4 feet 0 inches	
3 stories.....	4 feet 6 inches	25 feet
4 stories.....	5 feet 0 inches	30 feet
5 stories.....	6 feet 0 inches	35 feet
6 stories.....	7 feet 0 inches	35 feet
7 stories.....	8 feet 0 inches	40 feet
8 stories.....	9 feet 0 inches	40 feet
9 stories.....	10 feet 0 inches	40 feet
10 stories.....	11 feet 0 inches	40 feet
11 stories.....	12 feet 0 inches	40 feet
12 stories.....	13 feet 0 inches	40 feet
13 stories.....	14 feet 0 inches	40 feet
14 stories or more.....	15 feet 0 inches	40 feet

Provided, however, there shall be added to the minimum width of each such outer court six inches for each five feet or fractional part thereof in excess of the maximum length, except in the case of outer courts in apartment houses not more than two stories in height. The maximum lengths herein provided shall not apply when the outer court is bounded on one side for its entire length by a lot line; *provided, however,* that if an outer court is bounded by a public alley or public park, the width of such public alley or public park may be considered a part of the lot in determining the required width of the outer court.

Outer courts of hotels.

The outer courts of all hotels hereafter erected shall have not less than the following minimum widths as set out in the following table :

Height of building in stories based on the full number of stories in the building measured upwards from and including the lowest story in which there is a guest room or guest rooms, or dormitory or dormitories	Minimum width of outer court in every part
1 and 2 stories.....	4 feet 0 inches
3 stories.....	4 feet 6 inches
4 stories.....	5 feet 0 inches
5 stories.....	6 feet 0 inches
6 stories.....	7 feet 0 inches
7 stories or more.....	8 feet 0 inches

Outer courts of dwellings.

Outer courts for dwellings shall be governed in the same manner and be of the same minimum widths herein provided for apartment houses of two stories in height.

Yard not to serve two buildings.

SEC. 22. In no event shall any yard or court be made to serve two buildings hereafter erected, or an existing building and a building hereafter erected.

SEC. 23. The inner courts of all apartment houses hereafter erected shall have minimum areas and minimum widths in all parts not less than the areas and widths contained in the following table:

inner
courts of
apartment
houses

Height of building in stories based on the full number of stories in the building measured upwards from and including the lowest story in which there is an apartment or apartments	Minimum width of inner court in every part	Minimum area of inner court in square feet
2 stories.....	6 feet	75 square feet
3 stories.....	7 feet	120 square feet
4 stories.....	9 feet	160 square feet
5 stories.....	12 feet	250 square feet
6 stories.....	16 feet	400 square feet
7 stories.....	20 feet	625 square feet
8 stories or more.....	24 feet	840 square feet

Provided, however, in apartment houses the minimum size of inner courts bounded on one side for their entire length by a lot line shall be not less than of the minimum areas and minimum widths contained in the following table:

Height of building in stories based on the full number of stories in the building measured upwards from and including the lowest story in which there is an apartment or apartments	Minimum width of inner court in every part	Minimum area of inner court in square feet
2 stories.....	5 feet	60 square feet
3 stories.....	6 feet	120 square feet
4 stories.....	7 feet	175 square feet
5 stories.....	9 feet	225 square feet
6 stories.....	12 feet	360 square feet
7 stories.....	15 feet	525 square feet
8 stories or more.....	18 feet	630 square feet

Any inner court, including inner courts one entire side of which is bounded by a lot line, for an apartment house hereafter erected, designed and built to accommodate not more than two families above the first story thereof, may be reduced one foot in its width from the widths hereinbefore prescribed, and every such inner court shall contain an area of not less than sixty square feet.

Every inner court and vent shaft in apartment houses hereafter erected and every inner court in any apartment house or hotel shall be provided with a door or window at or near the bottom thereof, giving sufficient access to such court or vent shaft as to enable it to be properly cleaned out. Inner courts for dwellings shall be not less in width and area than hereinbefore provided for outer courts and shall contain an area of not less than sixty square feet.

SEC. 24. The inner courts of all hotels hereafter erected shall have not less than the following minimum lengths nor

inner
court of
hotel.

less than the minimum widths in every part as set out in the following table:

Height of building in stories based on the full number of stories in the building measured upwards from and including the lowest story in which there is a guest room or guest rooms, or dormitory or dormitories	Minimum width of inner court in every part	Minimum length of inner court
1 and 2 stories.....	5 feet	9 feet
3 stories.....	7 feet	10 feet
4 stories.....	10 feet	12 feet
5 stories.....	10 feet	16 feet
6 stories.....	12 feet	18 feet
7 stories.....	14 feet	20 feet
8 stories or more.....	16 feet	22 feet

Provided, however, in hotels the inner courts bounded on one side for their entire length by a lot line shall have not less than the following minimum lengths nor less than the minimum widths in every part as set out in the following table:

Height of building in stories based on the full number of stories in the building measured upwards from and including the lowest story in which there is a guest room or guest rooms, or a dormitory or dormitories	Minimum width of court in every part measured at right angles to lot line	Minimum length of court running parallel to the lot line
1 and 2 stories.....	4 feet	9 feet
3 stories.....	5 feet	10 feet
4 stories.....	6 feet	10 feet
5 stories.....	7 feet	10 feet
6 stories.....	8 feet	12 feet
7 stories.....	9 feet	13 feet
8 stories or more.....	10 feet	14 feet

The minimum width of an inner court bounded by a lot line, as set forth in the foregoing table shall always be measured at right angles to the lot line and the minimum length of such a court shall always be measured parallel to the lot line.

Recesses.

SEC. 25. Every recess from a court, yard or street in an apartment house or hotel hereafter erected shall be not less in width than its depth, and the area thereof shall not be counted in computing the area of a court or yard. Every such recess shall be open and unobstructed to the sky from a point not more than two feet above the floor line of the lowest story in the building in which there are rooms the said recess is designed to serve.

Intake for inner court.

SEC. 26. Every inner court, including inner courts bounded on one side for their entire length by a lot line in an apartment house hereafter erected shall be provided with a horizontal intake at the bottom of such court. Every such intake shall always extend directly to the front of lot or front yard or rear yard or to a side yard or to a street or to a public alley or public park. Each such intake shall consist of an unobstructed duct or passageway having a minimum width of three feet in all its parts and a minimum height of six feet six inches;

provided, however, in case the inner court in an apartment house does not extend below the second floor level, then each such air intake may consist of an unobstructed open duct or ducts, constructed of materials as hereinafter set forth and contain an interior aggregate area of not less than ten square feet, and in no dimensions be less than twelve inches, and covered at each end with a wire screen with a mesh of one-half inch in diameter.

Every inner court including inner courts bounded on one side for their entire length by a lot line in a hotel hereafter erected shall be provided with a horizontal intake at the bottom of such court. Every such intake for a court in a hotel shall contain an aggregate area of not less than five square feet, and such intake shall consist of an unobstructed open duct or ducts constructed of materials as hereinafter set forth, and such ducts may be covered at each end with a wire screen with a mesh of one-half inch in diameter.

Every such intake shall be constructed of approved incombustible materials, or shall be lathed with metal lath and plastered not less than three-quarters of an inch thick, or shall be sheathed solidly with not less than thirteen-sixteenths-inch boards and be covered with at least number twenty-six (gauge) galvanized iron. Such air intake may be closed at each end with a gate or grill having not less than seventy-five per cent of open work.

Every air intake shall be drained and so constructed and arranged as to be readily cleaned out.

The provisions of this section shall not apply to apartment houses and hotels of not more than two stories in height.

SEC. 27. In no building shall any room in the cellar thereof be hereafter constructed, altered, or occupied for living or sleeping purposes; and no room in a basement of an apartment house or hotel shall hereafter be constructed, altered, or occupied for living or sleeping purposes, unless such room conforms to all of the requirements of this act for rooms in other parts of the building and the ceiling of each such room shall be in all parts not less than seven feet above the adjoining ground level. Every basement shall be ventilated. The walls and floors of every basement hereafter constructed, which are below the ground level, shall be made waterproof and damp-proof, and whenever deemed necessary, and so ordered by the department charged with the enforcement of this act, the walls and ceiling thereof shall be plastered.

SEC. 28. In every apartment house or hotel hereafter erected, the lowest floor thereof, except masonry floors, shall be at least twelve inches, measured in the clear from the under side of the floor joists, above the surface soil adjoining and under the floor, and the entire space under such floor shall be kept clean and free from any accumulation of rubbish, debris or filth.

Such space under the floor shall be enclosed and provided with a sufficient number of openings with screens, lattice work, or similar provisions of a size to insure ample ventilation.

Space be-
neath lowest
floor in
dwelling
house.

SEC. 29. Every dwelling hereafter erected shall be constructed in a substantial manner; and the building shall be so constructed as to provide shelter to the occupants against the elements, and so as to exclude dampness in inclement weather; and there shall be provided in every dwelling hereafter erected in any incorporated town, incorporated city or incorporated city and county a clear air space under the lowest floor thereof of at least twelve inches, measured in the clear from the under side of the floor joists, except where there is a ventilated basement or cellar underneath such floor and except where there are masonry floors. Such clear air space shall be enclosed and provided with a sufficient number of openings with screens, lattice work, or similar provisions, of a size to insure ample ventilation. The surface underneath the floor shall be kept clean and free from any accumulation of rubbish, debris or filth.

Superficial
floor area.

SEC. 30. In every apartment in every apartment house hereafter erected there shall be at least one room that contains not less than one hundred twenty square feet of superficial floor area, and every other room shall contain not less than ninety square feet of superficial floor area.

Guest
rooms.

In every hotel hereafter erected each guest room shall contain not less than ninety square feet of superficial floor area; *provided, however*, that guest rooms in hotels may contain a superficial floor area of less than ninety square feet and not less than seventy square feet provided that the required aggregate window area in each such room be not less than twenty-four square feet; *and provided, further*, that any such guest room which contains a superficial floor area of less than ninety square feet shall not be occupied or designed for occupancy by more than one person for living or sleeping purposes. In every dwelling hereafter erected each room therein designed, built or intended for use of sleeping purposes, shall contain not less than eighty square feet of superficial floor area and every such room shall be designed so that the minimum width shall not be less than seven feet at any point within that portion of the room counted for computing the minimum area of eighty square feet.

Kitchen.

Every kitchen in an apartment house hereafter erected shall contain not less than fifty square feet of superficial floor area.

Ceiling,
height and
width.

In every apartment house or hotel hereafter erected, every room shall have a ceiling height of not less than nine feet, measured from the finished floor to the finished ceiling; and in every dwelling hereafter erected, every room shall have a ceiling height of not less than eight feet measured from the finished floor to the finished ceiling. The minimum width of every room in an apartment house or hotel hereafter erected shall be not less than seven feet at any point within that portion of the room counted for computing the minimum allowable area of such room. Attic rooms and rooms where sloping ceilings occur need only have the prescribed ceiling heights in not less than one-half of the area of the room. The fore-

going provisions of this section shall not apply to water-closet, bath or slop-sink compartments, nor to closets, recesses from rooms and dressing rooms, nor shall the minimum width of rooms apply to kitchens.

Every water-closet compartment in every building hereafter erected, shall be not less than thirty inches in clear width, and every such water-closet compartment, bath or slop-sink compartment, closet and recess from a room shall have a ceiling height of not less than seven feet and six inches, measured from the finished floor to the finished ceiling. In every apartment house designed and built to accommodate three or more families above the first story thereof and hotel hereafter erected, every closet, recess from a room or dressing room, which contains more than twenty-five square feet of superficial floor area (built-in dressers, clothes presses and similar features which are a substantial part of the structure shall not be deemed to be a part of the floor area of a closet, recess from a room or dressing room) shall conform to all of the provisions of this act for rooms and shall contain not less than the minimum allowable superficial floor area. Water-closets, etc

No part of any room in any apartment house or hotel shall hereafter be enclosed or subdivided, wholly or in part, by a curtain, portiere, fixed or movable partition, or other contrivance or device, for any purpose contrary to any of the provisions of this act. Division of room.

Entertainment, amusement, or reception rooms hereafter constructed, altered or converted, in an apartment house or hotel shall conform to the provision of section thirty-two of this act. Entertainment rooms.

Dormitories hereafter constructed, altered or converted in any building shall conform to the provisions of section sixty-two of this act. Dormitories.

In apartment houses and hotels of three or more stories in height hereafter erected, except where in this act otherwise provided, all partitions shall be well-plastered partitions. Partitions.

SEC. 31. In every building hereafter erected, every living room, bedroom, guest room, dormitory, kitchen, scullery, pantry (except pantries in apartments) or other room in which food is stored or prepared, dining room, general amusement, entertainment or reception room and room or compartment wherein there is installed a water-closet, shower, bathtub or toilet or general utility room shall have a window or windows of the area hereinafter required, opening directly onto a street, public alley, or a yard or court of the dimensions specified in this act and located on the same lot. Windows.

All such windows shall be located so as to properly light all portions of the room or compartment as the case may be, and shall be made and arranged so that at least one-half of the aggregate window area, required in each such room or compartment, may be opened unobstructed.

The windows required by this section in a water-closet or shower compartment, bath, toilet or slop-sink room may open Opening into vent shaft.

directly into a vent shaft in lieu of a street, yard or court. Such vent shaft shall be not less than the minimum size, and constructed of the materials and in the manner prescribed by section fifty-six of this act.

Opening
through
roofed
porches.

Windows required by this act for rooms and public hallways, in apartment houses and hotels hereafter erected, shall not open through roofed porches more than seven feet in depth, measured at right angles from such windows unless such roofed porches abut a street, yard or court and such roofed porches shall be designed and constructed with one side and one end thereof open and unobstructed, except the usual rails, balustrades and similar necessary structural features and such open and unobstructed portion shall be at least sixty-five per cent open and unobstructed measured between the floors and underside of roofs of such porches where such roofed porches are on the ground or main lower floor of the apartment house or hotel, but where such roofed porches are erected above the first or main lower floor such roofed porches shall be designed and constructed with one side and one end thereof open and unobstructed, except the usual rails, balustrades and similar necessary structural features, and such open and unobstructed portions shall be at least ninety per cent open and unobstructed measured between the floors and the underside of roofs of such porches; *and provided*, that any such roofed porch of seven feet or less in depth shall in the same manner have open and unobstructed on at least one side or end at least fifty per cent on the full side or end measured at right angles from the windows served and every porch shall have a ceiling height of not less than seven feet.

Exhaust
system of
ventilation.

In a hotel, water-closet or shower compartments, bath, toilet, kitchens, sculleries, pantries or other rooms used for cooking, storing or preparing of food, and in an apartment house or hotel, general amusement rooms, reception rooms, public dining rooms, and general utility rooms in lieu of windows, may be ventilated by an exhaust system of ventilation installed, constructed and maintained as hereinafter prescribed by section sixty hereof.

Window
area.

SEC. 32. Every room in every apartment house hereafter erected; and every room, kitchen, scullery, pantry or other room in which food is stored or prepared, and general utility room, in every hotel hereafter erected; and every room used for living and sleeping purposes and every kitchen in every dwelling hereafter erected, shall have one or more windows the total area of which shall be at least one-eighth of the superficial floor area of the room or compartment such window or windows are designed to serve, and in no event shall the aggregate window area in a room be less than twelve square feet, and in rooms in an apartment house or hotel no single window shall be less than six square feet in area, except as herein otherwise provided.

Bath room,
etc.

In every dwelling hereafter erected the window area in a water-closet compartment, bath, toilet, or shower room, shall

be not less than three square feet, and in an apartment house or hotel the aggregate area of windows for each such compartment or room shall be not less than six square feet, and in each such compartment or room containing more than one water-closet, bath, or urinal, the aggregate window area shall be equivalent to three square feet for each water-closet, bath or urinal therein, except that at no time need the aggregate window area exceed one-fourth of the superficial floor area of such compartment or room.

In every apartment house, hotel or dwelling hereafter erected, the total window area in each room used or intended or designed to be used for the purpose of amusement, entertainment, reception room, public dining room or any room used for similar purposes, which room has a superficial floor area not exceeding one hundred eighty square feet, shall be at least one-eighth of the superficial floor area of such room. Every such room which has a superficial floor area exceeding one hundred eighty square feet shall have an aggregate window area not less than that required for a room of one hundred eighty square feet of superficial floor area.

Entertainment, reception and dining rooms.

Every such amusement, entertainment, or reception room, or public dining room, or room used for similar purposes, shall have a minimum height between the finished floor and the finished ceiling of not less than nine feet. No such room or part thereof shall be used for living or sleeping apartments, except that said room or part thereof complies with all of the other provisions of this act, for living and sleeping rooms.

All measurements for window area shall be taken to the outside of the sash.

SEC. 33. In every apartment house hereafter erected, every public hallway that serves three or more apartments on any floor, and in every hotel hereafter erected, every public hallway that serves five or more guest rooms on any floor, shall have at least one window opening directly onto a street, or onto a yard or a court of the dimensions specified in this act and located on the same lot: such window or windows shall be at the end of the public hallway or placed so as to secure the maximum light into the hallway; *provided, however*, that in apartment houses or hotels not exceeding two stories in height, the public hallway may, in lieu of such windows, be lighted and ventilated by one or more skylights constructed in accordance with the provisions of this act; *provided, further*, that in a fireproof hotel hereafter erected, in lieu of windows hereinbefore prescribed, public hallways may be lighted and ventilated by connecting public hallways constructed as in this section prescribed, or ventilated by an approved fan exhaust system of ventilation constructed and operated as provided by section sixty of this act.

Windows in public hallways.

Every window required by this act in a public hallway shall be not less than twenty-nine inches in clear width, nor less than fifty-eight inches in height, and the finished sill of same shall not be more than thirty inches above the adjoining

finished floor. Every such window shall be made so as to open and so arranged that at least one-half of the window may be opened unobstructed.

Skylights

Every skylight provided for in this section shall have an effective horizontal area of glass of not less than fifteen square feet, and shall have ridge ventilators or fixed or movable louvers so as to provide a ventilating area of not less than five hundred square inches. Such skylights shall be so located that no portion of the hallway be distant more than twenty feet (measured from a vertical line) from a skylight opening.

Separate hallway.

Any part of a public hallway in an apartment house hereafter erected which is offset, recessed, or cut off from any other part of the hallway where such offset or recess is more in length than three times the width of the public hallway from which it offsets or recesses, shall be deemed a separate public hallway within the meaning of this section.

French windows.

French windows or doors, if arranged to open and glazed to give the areas of opening and glass required by this act for windows in public hallways, or windows in rooms of any building, may be used in lieu of windows therein.

Ventilating skylight.

SEC. 34. In every apartment house or hotel two or more stories in height, hereafter erected, where there are more than three apartments, in the case of an apartment house, and more than five guest rooms in the case of a hotel, above the first floor thereof, there shall be provided at the roof over each stairway a ventilating skylight, placed directly as practicable over same, having a minimum effective horizontal area of glass at least twenty square feet in area for buildings two stories in height, and the area of glass in such skylight shall be increased at a ratio of three square feet for each additional story in height. In every such skylight the ventilating area shall be not less than five hundred square inches.

Every such skylight and the ventilating openings and the shutters and the closing and opening devices for the ventilating openings shall be made of approved incombustible materials and so arranged that the entire ventilating area may be readily opened or the ventilators may be fixed permanently in an open position.

Skylights as in this section prescribed may be omitted in case that windows are provided of the size fixed by section thirty-three hereof and located adjoining the stairways, and that each window adjoining the stairway be provided with an open louver or ventilator providing a ventilating area of not less than one hundred square inches, or such louver or ventilator may be placed in the roof over the stairway, in which event the ventilating area shall be not less than five hundred square inches.

Whenever a skylight is required as in this section provided, there shall be maintained a vertical opening partially or entirely surrounded by the stairway, which opening shall have a horizontal area of at least seven square feet, and in no dimension less than one foot. Such opening shall extend from

the lowest story in which there are living or sleeping rooms to the skylight.

SEC. 35. In every apartment house hereafter erected, every apartment that contains three or more rooms, exclusive of bath rooms, shall be so arranged that access may be had to a water-closet compartment, without passing through any bedroom. Access to water-closet.

SEC. 36. In every apartment house hereafter erected there shall be installed one water-closet within each apartment located in a separate compartment or located in a compartment with a bath tub, shower or lavatory, used exclusively by the occupants of the apartment. Water-closets in apartment houses.

In every hotel hereafter erected there shall be installed not less than one water-closet in a separate compartment, located on the public hallway, for each sex on such floor. One of such water-closets shall be distinctly marked "for men" and one of the water-closets shall be distinctly marked "for women"; and if there are more than ten guest rooms in such hotel there shall be installed at least one water-closet in a separate compartment, located on the public hallway, for every ten guest rooms or fractional part thereof in excess of ten guest rooms on such floor which are not provided with private water-closets. Each of the said water-closets shall be accessible from each of the guest rooms through the public hallway, and not more than one hundred feet distant from the entrance door of each of the guest rooms the said water-closet proposes to serve. In hotels.

Every dwelling hereafter erected shall be provided with one water-closet for each family living therein. In dwelling houses.

No door or other opening in a water-closet or urinal compartment shall open from or into any room in which food is prepared or stored in an apartment house or hotel. Door.

In an apartment house or hotel the walls enclosing a water-closet compartment shall be well plastered, or constructed of some nonabsorbent material, except that the ordinary wood trim for openings may be used in such a compartment. Every water-closet compartment shall be provided and equipped with a full door, properly hung, and provided with a lock or bolt to lock same. Walls.

In every hotel hereafter erected, there shall be installed in convenient and suitable places one water-closet for each twenty employees or major fraction thereof. Water-closets for employees.

The floor of every water-closet compartment hereafter constructed, in an apartment house or hotel, shall be made water-proof with asphalt, tile, marble, terrazzo, cement or some other similar nonabsorbent material, and such waterproofing shall extend not less than two inches on the vertical walls of the compartment. Floor.

SEC. 37. In every apartment house heretofore erected there shall be provided at least one water-closet in a separate compartment, located on the public hallway of the same floor, for every three apartments or fractional part thereof on such floor which are not provided with private water-closets. Where two or more water-closets are required Water-closets in buildings erected prior to passage of act.

by the provisions of this section to be located on a public hallway, one of such water-closets shall be distinctly marked "for men," and one of the water-closets distinctly marked "for women."

In every hotel heretofore erected there shall be installed not less than one water-closet in a separate compartment, located on the public hallway for each sex; one of such water-closets shall be distinctly marked "for men," and one of the water-closets shall be distinctly marked "for women"; and if there are more than twelve guest rooms in such hotel there shall be installed at least one water-closet in a separate compartment, located on the public hallway, for every twelve guest rooms, or fractional part thereof, on such floor, which are not provided with private water-closets; *provided, however,* that the housing department charged with the enforcement of this act may exempt any building existing at the time of the passage of this act from fully complying with the provisions of this and the preceding paragraph of this section, when in its discretion, such deviation will not be detrimental to the health of the occupants thereof or to the sanitation of the building or premises, or it is impractical to fully comply with the aforesaid provisions because of structural reasons that exist in the building; *provided, further,* that no such exemption shall apply to any addition or extension to an apartment house or hotel.

Every water-closet hereafter installed in a building heretofore erected shall comply with every provision of this act relative to water-closets installed in buildings hereafter erected, and the compartment in which they are installed shall be provided with ventilation to the outer air in such manner as may be satisfactory to the department charged with the enforcement of this act; *provided, however,* that a new fixture may be installed to replace a defective or antiquated fixture in the same location.

Every building heretofore erected or hereafter erected, where a connection with the sewer is possible, shall discontinue the use of any school sink, privy vault, or any similar receptacle used to receive fecal matter, urine or sewage, and every such receptacle shall be completely removed and the place where it was located be properly disinfected. All such receptacles shall be replaced by individual water-closets of durable nonabsorbent material, properly connected, trapped, vented and provided with flush tanks, the same as is required by the provisions of this act in buildings hereafter erected.

SEC. 38. In every apartment house hereafter erected there shall be a bathtub or shower within each apartment, and such bathtub or shower shall be located in a separate compartment, or there may be provided one such bathtub or shower in a separate compartment for every three such apartments which are not provided with private baths or showers; *provided,* that said bathtub or shower is on the same floor and is accessible from each apartment through the public hallway. In every

Bathtub
or shower

apartment house hereafter erected there shall be at least one kitchen sink within each apartment.

In every hotel hereafter erected there shall be installed not less than one bathtub or shower provided with hot and cold water, in a separate compartment, located on the public hallway, for every ten guest rooms, or fractional part thereof, not provided with private baths; *provided*, that the said bathtub or shower, is on the same floor and is accessible from each guest room through the public hallway.

In every apartment house or hotel, the walls and floors of every bath or shower room hereafter constructed shall be waterproofed and shall be provided with doors in the same manner as required for the construction of water-closet compartments in apartment houses and hotels hereafter erected.

SEC. 39. In every apartment house heretofore erected there shall be provided at least one bathtub or shower in a separate compartment, located on the same floor for every five apartments, or fractional part thereof, which are not provided with private baths or showers, on each such floor, and there shall be provided at least one kitchen sink in each apartment.

Bathtub or shower in buildings erected prior to passage of act.

In every hotel heretofore erected there shall be installed not less than one bathtub or shower, in a separate compartment, located in the public hallway, for every twenty guest rooms, or fractional part thereof, which are not provided with private baths: *provided*, that the said bathtub or shower is located on the same floor and is accessible from each guest room through the public hallway. All rooms or compartments in which bathtubs or showers are installed in compliance with this section shall be provided with ventilation to the outer air in such manner as may be satisfactory to the department charged with the enforcement of this act.

Provided, however, that the department charged with the enforcement of this act may exempt any apartment house or hotel existing at the time of the passage of this act from fully complying with the provisions of this section when, in its discretion, such deviation will not be detrimental to the health of the occupants thereof or to the sanitation of the said apartment house or hotel or premises, or it is impractical to fully comply with the aforesaid provisions because of structural reasons that exist in the building; *provided, further*, that no such exemption shall apply to any addition or extension to an apartment house or hotel.

SEC. 40. In every building hereafter erected, and in every building heretofore erected every plumbing fixture shall be provided with running water, and in every apartment house or hotel hereafter erected, or heretofore erected there shall be provided faucets, with running water, sufficient in number so that all of the yards, courts and passageways may be washed.

Plumbing connections.

Every plumbing fixture affecting the sanitary drainage system of every building hereafter erected, shall be properly con-

nected with the street sewer, if a street sewer exists in the street abutting the lot on which the building is located and is ready to receive connections. When it is impracticable to connect such plumbing fixtures with a street sewer, then the plumbing fixtures shall be connected and drained into a cesspool constructed satisfactorily to the department charged with the enforcement of this act; or some other means of sewage disposal satisfactory to the department charged with the enforcement of this act may be made until such time as it may become practicable and possible to connect with the street sewer.

In case of
no running
water or
means of
sewage
disposal.

Privy.

SEC. 41. Water-closets, baths, showers, sinks, slop-sinks, faucets, and other plumbing fixtures required by this act need not be installed in the event that the building hereafter erected or an existing building as the case may be, is situated where there is no running water and where there is no practicable means of sewage disposal, until such time as it becomes practicable and possible to obtain running water and means of sewage disposal; *provided*, in every such case the department charged with the enforcement of this act shall decide whether or not it is practicable and possible to provide running water and proper means of sewage disposal. A special permit in writing shall be obtained in every such case from the department charged with the enforcement of this act, which permit shall be made in duplicate, and a copy thereof shall remain on file in the department issuing it. Such facilities shall be made sanitary. A privy, or toilet other than a water-closet, erected under the authority of this section shall consist of a pit at least three feet deep, with suitable shelter over the same to afford privacy and protection from the elements. The openings of the shelter shall be enclosed by metal mosquito screening, and the door to the shelter shall be made to close automatically by means of a spring or other device. No privy pit shall be allowed to become filled with excreta to nearer than one foot from the surface of the ground, and the excreta in the pit shall be covered with earth, ashes, lime or similar substances at regular intervals. All waste water shall be conveyed from the premises by means of a covered drain to a covered cesspool.

Sanitary
plumbing
fixtures.

SEC. 42. In every building hereafter erected, and in every existing building, all plumbing fixtures affecting the sanitary drainage system shall be properly trapped and vented and made sanitary in every particular. In no building hereafter erected and in no existing apartment house or hotel shall any water-closet, sink, slop-sink, wash tray or lavatory be enclosed with woodwork, but the space under and around same must be left open, and all woodwork enclosing such plumbing fixture shall be removed and the floors and wall surfaces beneath and around such water-closet, sink, slop-sink, wash tray or lavatory shall be maintained in good repair, and if of wood, well painted with a light colored paint of sufficient body to make it nonabsorbent. All wooden seats, attached to water-

closet bowls, shall be varnished or enameled, or by some other method made nonabsorbent.

In every building hereafter erected water-closets shall have earthenware bowls and shall have earthenware seats integral with the bowls, or wooden seats varnished or enameled so as to be nonabsorbent or seats made of some nonabsorbent material attached directly to the bowls. No wooden wash trays or wooden kitchen sinks shall be permitted in such buildings. All plumbing connections hereafter made in buildings shall be of standard lead, iron, cast iron, steel or brass, except house sewer connections which may be of cast iron, vitrified clay or machine made glazed cement pipe, standard or extra-heavy galvanized iron or steel and every gas and water service connection hereafter made shall be of steel or iron and shall be equipped with cutoff valves placed outside of the building and readily accessible.

Whenever any plumbing fixture becomes insanitary the department charged with the enforcement of this act may cause the fixture to be removed and cause it to be replaced by a fixture conforming to the provisions of this act.

SEC. 43. Every fireproof apartment house or hotel hereafter erected shall have not less than one stairway, not less than three feet six inches wide, for each six thousand square feet, or fractional part thereof, of floor area in any one floor above the first floor thereof. Stairways.

Every semifireproof apartment house or hotel hereafter erected shall have not less than one stairway, not less than three feet six inches wide, for each four thousand square feet, or fractional part thereof, of floor area in any one floor above the first floor thereof.

Every wooden apartment house or hotel hereafter erected shall have not less than one stairway, not less than three feet six inches wide, for each three thousand square feet, or fractional part thereof, of floor area in any one floor above the first floor thereof.

Every apartment house or hotel three or more stories in height hereafter erected, shall have not less than one stairway leading from the outside to every basement or cellar thereof.

SEC. 44. The largest floor area above the first or ground floor shall be used as the basis for computing the number of stairways required in every apartment house or hotel hereafter erected; *provided*, that if all floors above the largest floor area of the building are diminished in area, the stairway or stairways from that portion of the building containing a smaller area may be computed on the basis of the largest floor area in that portion of the building. Floor area shall include all the area inside the exterior walls of the building exclusive of vent shafts and courts. Computing number of stairways.

SEC. 45. Every apartment house hereafter erected, three or more stories in height and in which there are three or more apartments on any one floor, shall be so designed and constructed that every apartment in such building shall have not Location of stairways.

less than two means of egress, either by stairways or fire escapes, constructed in accordance with the provisions of this act. Such means of egress shall be accessible from every apartment, either directly or through a public hallway, and so located that should one egress be or become blocked, the other egress shall be available.

Access to stairways shall be provided at every floor by means of a public hallway, corridor, or passageway, and the public hallway, corridor, passageway and stairway from the ground exit level to the top story or roof shall be accessible at all times.

No stairway shall abut on more than one side of an elevator shaft, except on the lowest and topmost stories, and then only if the stairway is so located that it can be approached from the street entrance without passing by or in front of the open side of the said elevator shaft.

No stairway shall be located over a steam boiler, gas meter, gas heater or furnace, nor shall any such boiler, meter, heater or furnace be placed or located under a stairway, unless such boiler, gas meter, gas heater, or furnace be located in a room, the walls and ceiling of which are constructed as required for a boiler room by section fifty-eight of this act. No stairway leading from any other portion of the building shall terminate in or pass through a boiler room.

Construction
of stairways.

SEC. 46. Every stairway hereafter constructed, in an apartment house or hotel, shall be as follows: have a rise of not more than eight inches and a run of not less than nine inches, without change in the run or rise between floors; and shall be provided with head room of not less than six feet six inches measured from the nearest nosing of the stairway to the nearest soffit.

In every apartment house and hotel three or more stories in height, the depth of every landing in a stairway shall be not less than the width of the stairway, and all treads shall be of equal width for every run of stairs, and shall not vary in the width of the stairs.

Stairways required by this act in apartment houses or hotels of three or more stories in height shall be continuous from the ground floor level to the top story and the flights of such stairways shall be constructed one directly above the other, or shall be constructed so that each flight shall be in plain view of each succeeding flight: *provided, however*, that except where in this act otherwise provided, half of the stairways from the upper floors may terminate at the second floor, in the event that the aggregate width of the stairways, from the first to the second floor, is increased not less than fifty per cent: *provided, however*, that the building has at least two stairways reaching the ground floor or that one or more fire escapes are so equipped to reach the ground.

Every stairway shall have at least one handrail, and if the stairway be five feet or more in width, shall have a handrail on each side thereof.

The width of all stairways shall be measured in the clear of all projections except the baseboards, and except that hand-rails and newel posts may project not more than four inches.

In no event shall any stairway not required by this act be less than thirty inches in width.

SEC. 47. No closet of any kind shall be constructed under any wooden stairway, in any apartment house or hotel of more than two stories in height designed and built to accommodate three or more families or six or more guests above the first story thereof, but such space shall be kept entirely open, and be kept clean and free from all encumbrances, or such space shall be effectually closed with walls of studs, lathed with metal lath and plastered not less than three-quarters of an inch thick, with no door or opening of any kind therein. ^{*Space under stairways.}

SEC. 48. In every apartment house hereafter erected, designed and built to accommodate three or more families above the first story thereof, and in every hotel hereafter erected more than two stories in height, the stairway nearest to the main entrance of the building shall be carried to the roof level and shall give egress to the roof through a penthouse or roof structure if the pitch of roof makes it practicable to construct such a penthouse or roof structure with safety to the occupants that may have occasion to use such egress, otherwise in such building there shall be constructed a scuttle in the public hallway over the stairway. Such scuttle shall be not less than two feet by three feet in area, and shall be cut through the ceiling and roof. ^{Stairway to roof.}

Penthouses over stairways shall be built either of fireproof materials or of wood studs, lathed with metal lath and plastered not less than three-quarters inch thick; or such penthouses may be covered in the same manner and with the same kind of materials as required by this act for the doors from such penthouses.

The door to the roof from a penthouse or roof structure shall be self-closing and shall open outward to the roof, and shall be covered on both sides and edges with tin or other metal.

The frames and trim of such door opening shall be similarly constructed and all glass in such door shall be wired glass not less than one-fourth inch thick.

Every now existing apartment house or hotel of more than two stories in height, that is not provided with a stairway to the roof as hereinbefore prescribed shall have in the roof a penthouse or a scuttle, which scuttle shall be not less than two feet by three feet in area, located in the ceiling of a public hallway, and there shall be provided a stairway or a stationary ladder, leading from the top floor of such apartment house or hotel to the roof thereof. Such stairway or stationary ladder shall be made readily accessible to all the tenants of the building. No scuttle or penthouse door shall at any time be locked with a key, but may be fastened on the inside by a movable bolt or lock.

Width of
hallways.

SEC. 49. Public hallways and corridors from stairways shall be measured in the same manner as the stairways and be not less than three feet six inches in width.

Fire
escapes.

SEC. 50. On every apartment house or hotel hereafter erected more than two stories in height, there shall be provided at least one fire escape. On every such semifireproof or wooden apartment house or hotel wherein the floor area exceeds four thousand square feet on any one floor above the second floor thereof, there shall be provided one additional fire escape for each five thousand square feet of floor area or fractional part thereof, in excess of the first four thousand square feet of floor area hereinbefore provided; and on every such fireproof apartment house or hotel wherein the floor area exceeds six thousand square feet on any one floor above the second floor thereof, there shall be provided one additional fire escape for each five thousand square feet of floor area or fractional part thereof in excess of the first six thousand square feet of floor area hereinbefore provided.

Every dwelling house more than two stories in height hereafter erected shall have at least two means of egress either by stairways or fire escapes leading from the topmost story to the second story.

Fire escapes required by this act in apartment houses and hotels shall be one of the following types:

Type 1.

Type 1. Metallic throughout, and fastened securely to the exterior walls of the building, with a balcony at each story above the first story thereof, with inclined stairways connecting all balconies and a goose-neck ladder connecting the topmost balcony to the roof. The lowest balcony of such fire escape to be not more than fourteen feet above the street or ground level directly under the same except it be equipped with a counterbalanced or permanent ladder which reaches the ground.

All metallic balconies shall be not less than forty-four inches in width nor less than thirty-three square feet in area. The stairway openings therein shall be not less than twenty-one inches wide and forty inches in length. The balcony balustrade shall be not less than thirty-four inches high, with no opening in such balustrade greater than eight inches in horizontal dimension.

There shall be no opening greater than one inch in width in a fire escape balcony platform, except the stair well opening.

Every balcony platform shall be fastened to the outside walls of the building by building in and anchoring to such walls the balcony platform and the balustrade framing, or by securely bolting same thereto. Every balcony shall be supported by brackets, braces, or struts fastened to or built in and anchored to the walls.

The inclined stairways shall be not less than eighteen inches in width and placed in no part nearer than twenty-one inches from the face of the wall. Such inclined stairways shall have

an inclination of not less than four inches and not more than six inches horizontally to each twelve inches of vertical height. The treads shall be not less than four inches wide, placed not more than twelve inches apart. Each side of such stairways shall be provided with a handrail not less than one inch in diameter fastened to the stair stringers and continued around the well hole openings of balcony platform.

The goose-neck ladder shall be not less than fifteen inches wide and extend vertically from the topmost balcony to three feet above the fire wall or roof above, and then be brought down and fastened to the inside face of the fire wall or to the roof. The rungs of the goose-neck ladder shall be not less than five-eighths inch round iron or steel, placed not more than fourteen inches apart. The goose-neck ladder shall be securely braced and fastened to the outside wall, and in no case shall such ladder pass in front of any opening in the wall to the interior of the building. The cornice opening for the passage of such ladder shall be not less than twenty-four inches in width and twenty-four inches in the clear outside of the ladder.

Such fire escape shall be framed and riveted or bolted together in a solid, substantial manner and properly supported, braced and fastened to the outside walls so as to be rigid, durable and secure and carry the loads imposed.

All metallic fire escapes shall be galvanized.

Type 2. Metallic ladders and stairways conforming to the provisions set forth for "type one" and with reinforced concrete or iron or steel fireproofed balconies, with fastenings of similar materials. Such balconies to measure the full size inside of balustrades. Floor openings and well holes provided and protected similarly to the requirements for metallic balconies.

Type 3. Any type of an enclosed approved metallic spiral fire escape which consists of a rigid form of an inclined chute or chutes constructed entirely of incombustible material; securely attached to the outside walls of the building; provided with proper means of ingress thereto from the building and egress therefrom at the bottom; having means enabling firemen to reach the roof thereby from the ground; equipped with standpipes; painted the same as provided for metallic fire escapes; and satisfactory to the department charged with the enforcement of this act as being solid, substantial and durable and as fireproof in construction, and providing at least as safe and efficient means of escape from the building for the occupants thereof, and furnishing all the protection and utility of the metallic fire escapes described as "type one" in this act.

Type 4. Fire and smoke towers, consisting of a fire escape stairway not less than twenty inches in width, constructed of reinforced concrete, iron or steel, or a combination of these materials; and in all other details as required in this act for metallic fire escape stairways; said stairways being continuous the full height of the building from the first floor exit level

to the roof, and with handrails on each side thereof the full length of same. Such fire and smoke towers to be constructed at a point adjoining the exterior walls of the building and be entirely enclosed with walls of brick, terra cotta tile, concrete or reinforced concrete not less than eight inches thick; such walls to be continuous from the basement up to and extending three feet above the roof of the building, with no covering of any kind over the fire and smoke tower unless that such covering is constructed of approved incombustible materials and that in the said covering there is provided permanent open louvers or other permanent unobstructed openings to the outer air and that such permanent open louvers or other permanent unobstructed openings shall be of an aggregate open area equivalent to fifty per cent of the aggregate superficial area of the covering, and with no openings in the walls of such tower into the building. The enclosing walls of such tower not to be used to carry or support any floor joist, beam, girder or other structural feature of the building, nor to be chased for any pipe, conduit or other purpose; to have an exit from the enclosure at the first floor line opening directly to a street or yard, and having an entrance by means of an outside balcony at each floor, such balconies to have a solid floor and in all other details and kind of materials to be as in this act required for metallic fire escape balconies. The balconies to be located and arranged to connect with a door opening from a public hallway in the interior of the building and with a door opening leading from the balcony to the tower, such door opening from the building to the balcony and from the balcony to the tower to be not less than thirty inches wide by seventy-two inches high and be equipped with metal lined doors and with a frame and threshold of such door openings constructed of fireproof materials.

Type 5.

Type 5. A fire and smoke tower in every way similar to "type four" of this section, except that instead of the outside balcony there be built a vestibule with enclosing walls continuous with and of the same kind of materials and of the same thickness as the enclosing walls of the fire tower; that the vestibule opening be direct from a public hallway and be equipped with metal-lined doors. The vestibule floor to be of masonry construction. The enclosure to have an opening at each floor through the exterior wall of the building, such opening to extend from the floor to the ceiling and be not less in width than three-fourths of the width of the tower, said opening to be protected with an open metallic balustrade similar to that specified for metallic fire escape balconies.

Combined
stairway
and fire
escape.

SEC. 51. In any apartment house or hotel hereafter erected in which there is constructed a fire escape of "type four" or "type five," as prescribed in this act, such fire escape may be used and constructed as a stairway and fire escape combined and computed as one of the fire escapes and one of the stairways required by this act in such building; *provided*, that

there is at least one other stairway in such building constructed in accordance with the provisions of this act and the stairway extends to the first or ground floor of such building; *and provided, further*, that in a fireproof hotel with stairways continuous from the topmost story to the second story level, and such stairways are completely enclosed with walls of masonry and with all door openings in such walls equipped with self-closing doors lined with metal on both sides and all edges, and any glass in such doors is wired-glass not less than one-fourth inch thick, then such stairways may be computed as combined stairways and fire escapes required in such building and such enclosed stairways may terminate at the second floor; *provided*, such stairways terminate in a fireproof passageway not less than four feet wide and with ceiling height of not less than eight feet and such fireproof passageway is constructed with walls, ceiling and floors of masonry and the doors therein are constructed as hereinbefore in this section prescribed for doors to the stairway enclosure, and such passageway extends directly to the exterior walls of the building abutting a street and at the end of such passageway there is provided a fire escape balcony constructed in the manner hereinbefore in this act prescribed for balconies of fire escapes and such fire escape balcony is equipped with an approved stairway device fixed in a permanent position or in such a manner that it can be readily lowered to reach the ground or sidewalk level; *and provided, further*, that there shall always be readily accessible one stairway extending to the first or ground floor level.

SEC. 52. Every fire escape required by this act shall be located on the building so as to furnish the best means of escape therefrom for the occupants, and at least one such fire escape shall be located on a street front in the case of a semi-fireproof or wooden apartment house or hotel. Every fire escape shall have egress thereto from a public hallway or passageway not less than three feet wide, or such fire escapes in lieu of being located on a public hallway, shall be located so that each apartment in an apartment house and each guest room in a hotel has direct egress thereto without passing through another apartment or room; or if a public parlor, public lobby or similar room is connected directly with the public hallway, corridor or passageway through a clear and unobstructed opening, without doors, then egress may be had thereby to a fire escape. Signs both pointing toward and marking the locations of fire escapes shall be placed on each floor.

SEC. 53. All parts of each balcony platform of a fire escape shall be designed to carry, in addition to the dead load thereof, a live load of one hundred pounds per square foot over the entire area thereof (using outside dimensions) and the live and dead loads from the ladders or stairs supported thereon.

Each ladder shall be designed to withstand a horizontal pressure of one hundred pounds per square foot.

Each stairway shall be designed to carry, in addition to the dead load thereof, a live load of one hundred fifty pounds per square foot of horizontal projection.

Top rails of balcony balustrades shall be designed to withstand a horizontal pressure of one hundred pounds per lineal foot of railing.

Each balcony shall be independently supported.

All fastenings of fire escape balconies to the building shall be designed to carry twenty-five per cent greater load than the total dead and live loads carried by the balconies. The balcony anchorage shall be direct to the structural steel or iron members of the balustrades and platforms extended into the walls and anchored into the structural work of the building.

The level of the inside sill of the door or window giving access to a fire escape balcony or to the balcony floor shall be not more than thirty inches above the adjoining floor in the building. Every such door or window opening shall be not less than twenty-nine inches in clear width, nor less than fifty-eight inches in height. Windows or doors opening onto a fire escape shall be of a type that will not obstruct such fire escape.

Where double-hung windows are used in such openings, the lower sash shall be at least the size of the upper sash and shall slide to the top of such opening. Any lock used on any such window shall be of a type which can be readily opened from the interior of the building without the use of a key or other tool.

The basis for computing floor areas in relation to fire escapes shall be determined in the same manner hereinbefore provided for stairways.

Every fire escape, in or on an apartment house or hotel hereafter erected, or in or on an existing apartment house or hotel, shall at all times be maintained in good order and repair, well painted and clear and unobstructed at all times, and be readily accessible.

Standpipes.

SEC. 54. On every apartment house or hotel hereafter erected four or more stories in height, there shall be provided one or more metallic standpipes. Each such standpipe shall be not less than four inches in internal diameter, and shall have a Siamese inlet valve not less than one foot nor more than four feet above the sidewalk or the ground directly under same, and an outlet valve at each story above the first story and on the roof.

One such standpipe shall be placed on or in the exterior walls of the building at one fire escape, and the outlet valves shall be readily accessible from one end of fire escape balconies, and where there is no fire escape such standpipe shall be located within the stairway enclosure and the outlet valves shall be readily accessible at all times.

The inlet and outlet valves on every standpipe shall be threaded and brought to a size which will meet the standard connections of the local fire department of the municipality

in which such apartment house or hotel is being erected and the type of construction and the materials used shall meet with the approval of the department charged with the enforcement of this act.

The standpipes required by this section need not be installed in any apartment house or hotel which is situated where there is no running water and where it is not practicable or possible to obtain water for efficient use of such standpipes in case of fire, until such time as it is practicable and possible to obtain running water; and the department charged with the enforcement of this act shall decide whether or not it is possible or practicable to obtain running water.

SEC. 55. In every fireproof apartment house or hotel hereafter erected, every elevator shaft, dumb-waiter shaft or other interior shaft shall be enclosed in walls constructed of concrete, reinforced concrete, brick, terra cotta tile or other similar hard incombustible materials, or shall be constructed of metal studs lathed with metal lath and plastered on both sides so as to make a solid partition not less than two inches thick and thoroughly imbed the metal in the plaster.

Walls of elevator and dumb-waiter shafts.

In every semifireproof or wooden apartment house or hotel hereafter erected, every such shaft shall be inclosed by walls constructed as provided by this act for a fireproof building or such walls may be constructed with wood studs, with fire-stops between the studs at each floor and half way between each floor, lathed on both sides with metal lath and plastered not less than three-quarters of an inch thick.

Every opening from any shaft into the building shall be equipped with a metal door and with door frame and trim entirely of metal; or such door and door frame shall be constructed of wood covered with metal on the shaft side thereof, and if there is any glass therein, such glass shall be wired glass not less than one-fourth (¼) inch thick. Every door or window therein shall be made to close tight, and every door except elevator doors therein shall be self-closing.

Openings from shaft.

Every window in such shaft shall be of wired glass, not less than one-fourth (¼) inch thick, set in a metal sash or a sash metal covered on the shaft side thereof. At the roof over every elevator shaft there shall be constructed a ventilating skylight or a ventilator with open louvers.

Windows in shaft.

SEC. 56. In every apartment house or hotel hereafter erected every vent shaft shall be enclosed with walls constructed the same as is required by this act for an elevator shaft in the same class of building. Such a vent shaft may, in a semifireproof or wooden apartment house or hotel, be lined on the outside thereof (weather side) with metal in lieu of metal lath and plaster; also, that portion of such shaft extending from the ceiling joists to the top thereof may be lined with metal in the same manner as is required for the weather side of such vent shaft. Where metal lining is used in a shaft, then and in that event such shaft shall be sheathed

Walls of vent shaft.

solid with boards not less than thirteen-sixteenths ($\frac{13}{16}$) of an inch in thickness.

Every opening from any vent shaft into the building or any window therein, shall be equipped in the same manner as required by this act for elevator shafts in the same class of building.

Plaster on the weather side of any such shaft shall be of Portland cement plaster.

Area of
vent shaft.

Every vent shaft by this act provided for an apartment house shall be not less than four feet in any direction and be at least sixteen square feet in area; *provided, however*, that a vent shaft that is bounded on one or more sides by a lot line may be not less than two feet in any direction and be at least sixteen square feet in area. If such vent shaft exceeds fifty feet in height, measured from the bottom to the top of the walls of such shaft, then such vent shaft shall throughout its entire height be increased in area one square foot for each additional ten feet or fractional part thereof above fifty feet.

Every vent shaft by this act provided for a hotel shall be not less than thirty inches in its least dimension and contain an unobstructed area of not less than twelve square feet. Every vent shaft shall be open and unobstructed to the sky and at the roof line every vent shaft in an apartment house or hotel shall be provided with parapet wall or rail at least thirty inches in height so constructed that no person may walk in or fall into such shaft.

Air intake.

Every such vent shaft in an apartment house hereafter erected shall be provided with an air intake or duct at or near the bottom thereof, communicating with the street or yard or a court. Such intake shall be not less than three square feet in total area, and may be divided into not more than three separate ducts running between the joists or otherwise, and shall in all cases be placed as nearly horizontal as possible. Every such intake or duct shall be constructed of approved fire resistive material or shall be of metal or metal lined, and be provided with a wire screen of not less than one inch mesh at each end. Whenever the end of an intake is capped, hooded or otherwise covered, there shall always be provided a clear space of not less than four inches above and between the end of such intake and the lower part of the cap, hood or other covering. Plumbing, gas, steam or other similar pipes may be placed in vent shafts in apartment houses or hotels. Every vent shaft shall be so arranged as to permit of its being readily cleaned out.

The provisions of this section shall not apply to dwellings, nor to apartment houses not exceeding two stories in height designed and constructed with not more than two apartments for use of not more than two families above the first story thereof, nor to hotels not exceeding two stories in height designed and constructed with not more than six guest rooms for use of not more than six persons on the second floor thereof; *provided, however*, that any vent shaft constructed

in any such apartment houses, hotels and dwellings shall be not less than eighteen inches in its least dimension and shall be open and unobstructed to the sky.

SEC. 57. The walls of every inner court in a fireproof apartment house or hotel hereafter erected shall be constructed of concrete, reinforced concrete, brick, terra cotta tile or other similar hard incombustible material. In a semifireproof or in a wooden apartment house or hotel such inner court walls, if surrounded on four sides by the walls of the same building, shall be constructed as provided for fireproof buildings or may be of wood studs, with fire stops between the studs at each floor and half way between each floor, lathed on both sides with metal lath and plastered not less than three-quarters inch thick. Plaster on the weather side of such inner court walls shall be Portland cement plaster, or such inner court walls may be sheathed solidly with not less than thirteen-sixteenths ($\frac{13}{16}$) inch boards, on the weather side, and covered with metal of not less than twenty-six gauge, in lieu of metal lath and plaster.

Walls of
inner court

SEC. 58. In every apartment house or hotel hereafter erected, every boiler used for purposes of heating the building, using fuel other than gas, and every heating furnace or water-heating apparatus, using oil or other fluid fuel, shall be installed in a room, the walls of which room shall be built of concrete, reinforced concrete, brick, stone or concrete or terra cotta tile, not less than six (6) inches thick, and such walls shall extend from the floor of the boiler room to the ceiling over same. The entire ceiling of such room shall be built with a double ceiling, with a space not less than one and one-half inches between the two ceilings and each ceiling shall only be metal lathed and be plastered not less than three-quarters ($\frac{3}{4}$) inch thick; or in lieu of a double ceiling of metal lath such ceiling may be constructed of masonry. The floor of a boiler room shall be of masonry not less than two (2) inches thick.

Boiler or
furnace
room.

Any door in the wall of such rooms shall be an approved fire-resisting door or a door constructed of three (3) thicknesses of thirteen-sixteenths ($\frac{13}{16}$) inch by not more than six (6) inches, tongued and grooved, matched redwood boards entirely covered on the sides and edges with lock-jointed tin; every such door shall be self-closing, so hung as to overlap the walls of the room at least three (3) inches, and any glass in any such door or any glass in any window or opening in the walls of a boiler room shall be wired glass, not less than one-fourth ($\frac{1}{4}$) inch thick, set in a metal or metal covered sash.

Doors.

All such doors shall have hinges, hangers, latches and other hardware of wrought iron, bolted to the doors, and shall have steel tracks, when sliding doors are used, with wrought-iron stops and binders bolted through the walls. Swinging doors shall have wall eyes of wrought-iron, built into or bolted through the wall.

Every such boiler room shall have a sill across each door not less than four (4) inches high. Such sill shall be of masonry, and the doors shall overlap same at least three (3) inches, or in lieu of a masonry sill a steel or iron sill may be used, in which case the bottom of the door shall close tight on top of same. Every swinging door in a boiler room shall open outward from the boiler room.

Where oil or other fluid fuel is burned, the oil or other fluid fuel shall not be fed by a gravity flow.

Walls of
room in
which
automobile
is kept.

SEC. 59. In every apartment house or hotel hereafter erected any portion of such building, in which there is kept or stored any automobile or automobiles, shall be a room, the enclosing partitions of which shall be built of concrete, reinforced concrete, brick, stone, concrete tile or blocks, or terra cotta tile, not less than four (4) inches thick, or may be of wood studs lined on the automobile storage room side with redwood boards not less than thirteen-sixteenths ($\frac{13}{16}$) of an inch thick covered with two thicknesses of asbestos paper, and then covered with No. 26 (gauge) galvanized iron, or such enclosing partitions may be constructed of studs lathed on both sides with metal lath and plastered with Portland cement plaster not less than three-quarters of an inch thick. Such enclosing partitions shall extend from the floor of the room to the ceiling of the same. The entire ceiling of such room shall be lathed with only metal lath and be well plastered not less than three-quarters of an inch thick; or in lieu of such metal lathed and plastered ceiling the entire ceiling may be constructed of masonry. The floor of every such room shall be of masonry not less than two (2) inches thick.

Every door, window or other opening in the walls of such room, opening to the interior of the building, shall be protected in the same manner as required by this act for doors, windows and other openings in a boiler room.

Public
garage.

In any apartment house hereafter erected no portion of the building shall be used as a public automobile garage, public automobile repair shop, public machine shop, paint shop or store, public gasoline or oil station or store, auto salesroom, auto top and upholstery shop, wrecking shop, accessory shop, vulcanizing shop, battery repair shop, and in the case of a hotel hereafter erected, if any portion of the building is used as a public automobile garage, automobile repair shop or machine shop, gasoline or oil station, auto salesroom, auto top and upholstery shop, wrecking shop, accessory shop, vulcanizing shop, battery repair shop, the room shall be constructed as in this section provided and the ceiling thereof shall be constructed of a double ceiling and each such ceiling lathed only with metal lath and plastered not less than three-fourths inch thick and with a space between the two ceilings of not less than six inches measured vertically and the lower ceiling shall be suspended with metal, or in lieu of the metal lathed and plastered ceilings such ceiling may be constructed of masonry.

SEC. 60. In every hotel hereafter erected the water-closet compartments, bath, toilet or slop-sink rooms, kitchens, sculleries, pantries or other rooms in which food is stored or prepared, public dining rooms, laundries, general amusement, entertainment or reception rooms, and rooms used for similar purposes and general utility rooms, and in every apartment house hereafter erected general amusement, entertainment and reception rooms and general utility rooms, in lieu of being provided with windows, as in this act prescribed, may be provided with an approved fan exhaust system of ventilation, so designed and operated as to provide a complete change of air in not to exceed fifteen minutes for each room used for the following purposes: kitchens; pantries or other rooms used for cooking, storing or preparing of food; laundries, general amusement, entertainment, reception or dining rooms, or rooms used for similar purposes; general utility rooms; and public hallways in fireproof hotels; and the said fan exhaust system of ventilation shall be so designed and operated as to provide a complete change of air in not to exceed five minutes for each room used for the following purposes: water-closets; shower compartments; bath, toilet or slop-sink rooms or sculleries.

Fan exhaust system of ventilation.

Any person in charge of a building in which a system of fan exhaust ventilation is installed and used as in this section prescribed, who fails, neglects or refuses to operate and maintain the said system of ventilation in good order and repair so that the ventilation (complete change of air) herein specified is provided in each of the rooms or compartments at all times, shall be deemed guilty of a misdemeanor and subject to all of the penalties fixed by this act.

Penalty for failure to keep system in good order.

SEC. 61. Every building hereafter erected shall be constructed in a safe and substantial manner; the materials used therein shall be of substantial stock and of the kinds in this act elsewhere provided; the footings, foundations, walls, joists, studding, girders, columns and all other bearing portions shall be of such sizes and so constructed to safely sustain in all parts all the live and dead loads transmitted thereto. Each floor shall be constructed to safely sustain a live load of not less than forty pounds to each square foot. Each roof shall be so constructed to safely sustain a live load of not less than twenty pounds to each square foot. The loads shall be computed on the basis of at least a factor of safety of four. Schedules for weights of materials, and formulas used for computing stresses, shall be of standard recognized practice. For the purposes of this act the term "dead load" shall be deemed to be the weight of the walls, partitions, framing, floors, roofs and similar permanent construction that enters into a building, and the term "live load" shall be deemed to be all other forms of loading in the building including the assumed live loads for floors and roofs above set forth.

Construction of buildings.

In every apartment house or hotel hereafter erected, the wooden studs in every bearing wall and partition shall be not

Studs.

less than two inches by four inches (2"x4"), and in every such building that exceeds two (2) stories in height the wooden studs in every bearing wall and partition below the second floor thereof shall be not less than two inches by six inches (2"x6") or solid timber the equivalent thereof. Every wooden stud wall and partition shall have fire stops at each floor and ceiling and at approximately halfway between the floor and the ceiling, except that where two (2) inch plates are used the full width of the studs at the floor and ceiling of a wall or partition then the fire stops at the floor and ceiling may be omitted. Each wooden stud wall and partition shall be diagonally braced at each corner and at least once in each twenty-five (25) foot length thereof, except where such exterior walls and partitions are plastered and back-plastered with portland cement plaster on expanded metal lath reinforcement that weighs not less than three and four-tenths (3.4) pounds to the square yard. Every such partition or wall that is plastered and back-plastered shall be plastered not less than three-quarters ($\frac{3}{4}$) of an inch thick and back-plastered between the studs not less than one-half ($\frac{1}{2}$) of an inch thick in an approved manner so that the expanded metal lath will be thoroughly imbedded in the plaster. Over each bearing partition or wall and at the exterior walls, the space between the wooden floor joists shall be blocked solid with blocks not less than two (2) inches thick and the full depth of the joists. No wooden floor joists less than two inches by eight inches (2" x 8") shall be used to support any floor above the first floor of any such building and such floor joists shall not be spaced more than sixteen (16) inches apart. No span of such two inch by eight inch (2" x 8") floor joist shall exceed fourteen (14) feet. All joists that span more than fourteen feet or that otherwise vary from the foregoing dimensions or that support loads other than the live floor loads, shall be of such sizes as to safely sustain the loads transmitted thereto. No floor joist or other bearing support shall be cut or notched for any purpose unless reinforced to take up the weakness caused thereby. Every span of wooden floor joists shall be cross-bridged with two (2) inch cross-bridging at intervals not more than eight (8) feet apart, and a bearing partition, wall, girder or other support under such joists that is blocked solid over the top thereof between the joists as hereinbefore provided shall take the place of a cross-bridging.

All dimensions of lumber mentioned in this act are substantially the dimensions thereof when manufactured from the log, subject however, to customary slight variations. It is understood that these dimensions when the lumber is used in a building may be reduced by the processes of seasoning, of sizing and of planing and that the dimensions mentioned in this act if so reduced by said processes to the customary commercial sizes thereof shall be nevertheless considered as fulfilling the requirements of this act. Wherever the soil conditions make it practicable to do so, every wooden apartment

Joists

Dimensions
of lumber.

Foundation

house or hotel hereafter erected shall have a masonry foundation composed of hard incombustible materials and the footings of such foundation shall in no case be less than twelve (12) inches wide at the bottoms thereof and the foundation walls shall not be less than six (6) inches wide at the tops thereof. The footings of such foundation walls shall not be less than ten (10) inches below the surface of the adjoining ground levels and such foundation walls shall extend at least six (6) inches above the adjoining ground levels. The width of such foundation walls and footings shall be increased whenever necessary to support additional loads transmitted thereto.

SEC. 62. Every dormitory hereafter constructed, altered, ^{Dormitory.} or converted in any building shall be as follows:

(a) In no dormitory shall there be provided sleeping accommodations for more than twenty persons, nor shall any such dormitory be so overcrowded as to be inconsistent with the provisions of Section 65 hereof.

(b) The ceiling height, measured from the finished floor to the finished ceiling shall in no case be less than nine feet in the clear, and in no case shall there be permitted in such dormitory more than one tier of beds; *provided, however*, that in a dormitory in which the clear ceiling height is not less than eighteen feet measured between the finished floor and finished ceiling thereof, a double tier of beds may be permitted, i. e., one tier above the other; *provided*, that in no event shall there be less than three feet of clear vertical space between the beds, or tier of beds, nor less than three feet in any horizontal direction between any of the beds, nor less than one foot of clear space between the floor of the room and the underside of the first tier of beds.

(c) In every dormitory there shall be provided windows opening onto a street or a yard or court of the dimensions specified in this act and located on the same lot. The window area shall in no case be less than one-eighth of the superficial floor area in the dormitory, and in the event that a double tier of beds are provided, the said window area shall be doubled.

(d) The frames of beds in every dormitory shall be made of steel or iron or of some other hard, smooth, incombustible and nonabsorbent material.

(e) Every existing dormitory maintained and erected prior to the passage of this act shall be made to conform to the provisions of subsection (a) of this section; *provided, however*, that dormitories erected prior to the passage of this act which are found by the local department or board of health to be sanitary and fit for human occupancy shall thereupon be issued a certificate of occupancy by said local department or board of health, which certificate shall be final as to the structural features and arrangement of said dormitory at the time the certificate is issued and said dormitory may be used for human habitation anything contained in this act to the contrary notwithstanding.

Additional rooms.

SEC. 63. In any existing apartment house or hotel every additional room or hallway that is hereafter constructed or created may be of the same height as the other rooms or hallways on the same story of such building, except that ceiling heights herein mentioned shall not be less than seven feet six inches.

Windows in buildings erected prior to passage of act.

SEC. 64. Every room in an apartment house or hotel erected prior to the passage of this act shall, if the said room be hereafter occupied for living or sleeping purposes, have a window of an area not less than eight square feet, opening directly upon a street, a yard, a court or upon a shaft not less than twenty-five square feet in area, which shaft shall in no part be less than four feet wide and open and unobstructed, without roof or skylight over same; except that if such room be located on the top floor of the building, such room may be ventilated by a skylight with fixed or movable louvers directly to the outer air, or may have a window opening upon a vent shaft not less than ten square feet in area, if such window from the room be not more than three feet below the top of the wall of such vent shaft.

Ventilation of hallways.

Every public hallway in every apartment house or hotel heretofore erected which does not conform to the provisions for public hallways in buildings hereafter erected, shall be provided with light and ventilation to the outer air. Such light and ventilation shall be provided by making such alterations as are satisfactory to the department charged with the enforcement of this act.

Skylights.

In the case of apartment houses and hotels heretofore erected and such apartment houses and hotels have not heretofore complied with the provisions of this section, or similar provisions of the acts repealed by this act, then, and in that event, the skylights hereinbefore set forth shall have an effective horizontal area of glass not less than eight square feet and be provided with louvers containing a ventilating area of not less than four hundred square inches.

Unlawful to cook in bath room, etc.

SEC. 65. It shall be unlawful for any person to cook or to prepare food, or to permit or suffer any person to cook or to prepare food in any bath, shower, slop-sink or toilet room or water-closet compartment, or in any other place which in the judgment of the department charged with the enforcement of this act, is detrimental to the health of the occupants or the proper sanitation of the building.

Hotel kitchen.

In a hotel food shall not be cooked or prepared except in a room or a kitchen designed for that purpose. Floors of kitchens and rooms in which food is stored or prepared in a hotel, shall be made impervious to rats by a layer of concrete not less than one and one-half inches thick or by a layer of sheet tin or iron or similar material.

Unlawful to sleep in kitchen, cellar, etc.

It shall be unlawful for any person to use for living and sleeping purposes or permit or suffer any person to use for living or sleeping purposes any kitchen, cellar, hallway, bath or shower compartment, slop-sink room, water-closet compart-

ment, or any other room or place which does not comply with the provisions of this act, or which in the judgment of the department charged with the enforcement of this act, would be dangerous or prejudicial to life or health by reason of its overcrowded condition or the want of light, windows, ventilation, drainage, or on account of dampness or offensive, obnoxious or poisonous odors.

It shall be unlawful to use or permit to be used for sleeping purposes any room that does not contain at least six hundred and thirty cubic feet of air space, and if any room is occupied by more than two persons the cubic air space of such room shall be increased by not less than five hundred cubic feet for each additional person the room is designed, built or intended to accommodate or that such room does accommodate for sleeping purposes; *provided*, that a room occupied or intended or designed to be occupied for sleeping purposes by but one person may contain not less than five hundred cubic feet of air space.

Cubic air space of sleeping room.

Sec. 66. In every apartment house or hotel there shall be installed and kept burning from sunrise to sunset throughout the year artificial light sufficient in volume to properly illuminate every public hallway, public stairway, fire escape egress, elevator, public water-closet compartment, or toilet room, whenever there is insufficient natural light to permit a person to read in any part thereof.

Lighting public hallways, etc.

In every apartment house or hotel there shall be installed and kept burning from sunset to sunrise throughout the year artificial light sufficient in volume to properly illuminate every public hallway, passageway, public stairway, fire escape egress, elevator, public water-closet compartment, or toilet room. The provisions of this section shall not apply to an apartment house built with not more than two apartments above the first floor thereof.

Sec. 67. The walls and ceilings of every sleeping room in every apartment house or hotel shall (except when there is sufficient natural light to permit a person to read in any part thereof during daytime) be calcimined or painted or papered with a light-colored material, and such calcimine, paint or paper, as the case may be, shall be renewed as often as is necessary to maintain the same of a light color and clean and free from vermin.

Painting of sleeping rooms.

The walls of courts and shafts, unless built of light-colored materials, shall be painted of a light color or whitewashed, and such painting or whitewashing shall be renewed as often as is necessary to maintain the same of a light color. Not more than two thicknesses of wall paper shall be placed upon any wall, partition or ceiling of any room in any apartment house or hotel. Where any such wall, partition or ceiling has two thicknesses of wall paper thereon the old wall paper shall be first removed therefrom before repapering. Nothing in this section contained shall prohibit painting or calcimining over wall paper.

Painting courts and shafts.

Roofs.

SEC. 68. Every building shall be maintained in good repair. The roofs shall be kept waterproof and all storm or casual water properly drained and conveyed therefrom to the street sewer, storm drain or street gutter.

Grading of lots.

All portions of the lot about the building, including the yards, arcaways, vent shafts, courts and passageways, shall be properly graded and drained; and whenever the department charged with the enforcement of this act deems it necessary, for the protection of the health of the occupants of an apartment house or hotel, or for the proper sanitation of such premises, it may require that the lot, yards, arcaways, vent shafts, courts and passageways be graveled or properly paved and surfaced with concrete, asphalt or similar materials.

Screens.

SEC. 69. There shall be provided, whenever it is deemed necessary for the health of the occupants of any building or for the proper sanitation or cleanliness of such building, metal mosquito screening of at least sixteen (16) mesh, set in tight-fitting removable sash, for each exterior door, window or other opening in the exterior walls of the building.

Garbage cans.

SEC. 70. There shall be provided for every building, such number of tight metal receptacles with close-fitting metal covers for garbage, refuse, ashes and rubbish as may be deemed necessary by the department charged with the enforcement of this act, or in lieu of such metal receptacles, there may be constructed a garbage chute or shaft approved by the housing department. Such receptacles shall be kept in a clean condition by the occupants or tenants in an apartment house or dwelling, and by the owner or person in charge in the case of a hotel, and in case of a chute or shaft by the person in charge of or in control of the building.

Premises to be kept clean.

SEC. 71. In every building, every room, hallway, passageway, stairway, wall, partition, ceiling, floor, skylight, glass window, door, carpet, rug, matting, window curtain, water-closet compartment or room, toilet room, bathroom, slop-sink or wash-room, plumbing fixture, drain, roof, closet, cellar or basement and the lot, yard, court or any of the premises thereof, shall be kept in every part clean and sanitary and free from all accumulation of debris, filth, rubbish, garbage or other offensive matter.

No person shall, or permit or cause any person to, deposit any swill, garbage, bottles, ashes, cans or other improper substances in any water-closet, sink, slop-hopper, bathtub, shower, catch-basin, or in any plumbing fixture connection or drain therefrom, or otherwise to obstruct the same, or to place or cause or permit to be placed any filth, urine or other foul matter in any place other than the place provided for same, or to keep or cause or permit to be kept any urine or filth or foul matter in any room or apartment or in or about the building or premises thereof, for such length of time as to create a nuisance.

Every closet or compartment which is used for the purpose of the storage of a garbage receptacle, such closet or compart-

ment shall be lined on all its sides and on the inside of all its doors with galvanized iron with all joints made tight.

SEC. 72. In every apartment house or hotel, every part of every bed, including the mattress, sheets, blankets and bedding, shall be kept in a clean, dry and sanitary condition, free from filth, urine or other foul matter, in or upon the same, and free from the infection of lice, bedbugs or other insects. In a hotel the bed linen shall be changed as often as a new guest occupies the bed. No roller or public towel shall be kept or maintained for the common use of a hotel.

Beds to be kept in sanitary condition.

SEC. 73. In no apartment house or hotel or any part thereof, or in the lot, yard, court or any portion thereof, shall there be kept, stored or handled any article dangerous or detrimental to life or to the health of the occupants thereof; nor shall there be stored, kept or handled any feed, hay, straw, excelsior, cotton, paper stock, rags, junk, or any other material that may create a fire hazard, except upon a written permit so to do, obtained from the fire commissioners or other department authorized to issue such permit. Every such permit shall be deemed to be a public record, made in duplicate, and a copy thereof shall remain on file in the office of the fire commissioner or department issuing same.

Storage of dangerous articles.

SEC. 74. No horse, cow, calf, swine, sheep, goat, rabbit, mule, or other animal, chicken, pigeon, goose, duck or other poultry shall be kept in any apartment house or hotel or any part thereof; nor shall any such animal or poultry, nor shall any stable be kept or maintained within twenty feet of any window or door of such apartment house or hotel. No horse, cow, calf, swine, sheep, goat, rabbit, mule, chicken, pigeon, goose, duck or other poultry shall be kept in any dwelling or any part thereof nor shall any such animal or poultry, nor shall any stable be kept or maintained within twenty feet of any window or door of such dwelling.

Animals not to be kept.

No bakery or place of business in which fat is boiled shall be constructed or maintained in any apartment house, unless the ceilings and side walls of the place in which fat is boiled are constructed of approved fire resistive materials, with no openings connecting into the apartment house, and so separated and arranged as to prevent odors from entering such building.

Bakery.

SEC. 75. In every apartment house in which eight (8) or more families reside, or hotel in which there are twelve or more guest rooms, and in which the owner does not live, there shall be a janitor, housekeeper or other responsible person, who shall reside in such apartment house or hotel or on the same lot or premises thereof and have charge of same.

Janitor.

SEC. 76. In case any apartment house, hotel or dwelling or any part thereof, is constructed, altered, converted or maintained in violation of any of the provisions of this act or of any order or notice of the department charged with its enforcement, or in case a nuisance exists in any such apartment house, hotel, or dwelling, or upon the lot on which it is situated, said department may institute any appropriate action or proceed-

Proceedings to prevent unlawful construction.

ing to prevent such unlawful construction, alteration, conversion or maintenance, to restrain, correct or abate such violation or nuisance, to prevent the occupation of said apartment house, hotel or dwelling, to prevent any illegal act, conduct or business in or about such apartment house, hotel or dwelling or lot. In any such action or proceeding said department may, by verified complaint setting forth the facts, apply to the superior court, or to any judge thereof, for an order granting the relief for which said action or proceeding is brought, or for an order enjoining all persons from doing or permitting to be done any work in or about such apartment house, hotel, or dwelling, or lot, or from occupying or using the same for any purpose, until the entry of final judgment or order. In case any notice or order issued by said department is not complied with, said department may apply to the superior court or to any judge thereof, for an order authorizing said department to execute and carry out the provisions of said notice or order, to remove any violation specified in said order or notice, or to abate any nuisance in or about such apartment house, hotel, dwelling, building or structure, or the lot upon which it is situated. The court, or any judge thereof, is hereby authorized to make any order specified in this section. In no case shall the said department or any officer thereof or the municipal corporation be liable for costs in any action or proceeding that may be commenced in pursuance of this act.

Fine a
lien.

SEC. 77. Every fine imposed by judgment under section six of this act upon an apartment house, hotel or dwelling owner shall be a lien upon the building or house in relation to which the fine is imposed, from the time of the filing of a certified copy of said judgment in the office of the recorder of the county in which said apartment house, hotel or dwelling is situated, subject only to taxes and assessments and water rates, and to such mortgage and mechanics' liens as may exist thereon prior to such filing; and it shall be the duty of the department charged with the enforcement of the provisions of this act, upon the entry of such judgment, to file forthwith the copy as aforesaid, and such copy upon filing shall be forthwith indexed by the recorder in the index of mechanics' liens.

Notice of
pendency
of action.

SEC. 78. In any action or proceeding instituted by the department charged with the enforcement of this act, the plaintiff or petitioner may file, in the county recorder's office of the county where the property affected by such action or proceeding is situated, a notice of the pendency of such action or proceeding. Said notice may be filed at the time of the commencement of the action or proceeding, or at any time afterwards before final judgment or order, or at any time after the service of any notice or order issued by said department. Such notice shall have the same force and effect as the notice of pendency of action provided for in the Code of Civil Procedure. Each county recorder with whom such notice is filed shall record it and shall index it in the name of each person specified in a direction subscribed by an officer of the

department instituting such action or proceeding. Any such notice may be vacated upon the order of a judge of the court in which such action or proceeding was instituted or is pending. The recorder of the county where such notice is filed is hereby directed to mark such notice, and any record or docket thereof as canceled of record, upon the presentation and filing of a certified copy of such order.

SEC. 79. In every incorporated town, incorporated city, and incorporated city and county every owner of an apartment house or hotel and every lessee of the whole of a hotel or apartment house, or other person having control of an apartment house, or hotel, shall file in the housing department a notice, containing his name and address, and also a description of the property, by street and number and otherwise, as the case may be, in such manner as will enable the department charged with the enforcement of this act easily to find the same; and also the number of apartments in each house, the number of rooms in each apartment, and the number of families occupying the apartments in an apartment house, and the number of rooms in a hotel. In case of a transfer of any apartment house, or hotel, it shall be the duty of the grantee of said apartment house or hotel to file in the housing department a notice of such transfer, stating the name of the new owner, within thirty days after such transfer. In case of the devolution of the said property by will, it shall be the duty of the executor and the devisee, if more than twenty-one years of age, and in the case of devolution of such property by inheritance without a will, it shall be the duty of the heirs, or in case all the heirs are under age, it shall be the duty of the administrator of the deceased owner of said property, to file in said department a notice, stating the death of said owner and the names of those who have succeeded to his interests, within thirty (30) days after the death of the decedent, in case he died intestate, and within thirty days after the probate of his will, if he died testate.

Notice filed by owner or lessee of apartment house or hotel describing property

SEC. 80. In every incorporated town, incorporated city, and incorporated city and county every owner, agent or lessee of an apartment house or hotel shall file in the housing department a notice containing the name and address of such agent of such house, for the purpose of receiving service of process, and also a description of the property, by street and number or otherwise, as the case may be, in such manner as will enable the department charged with the enforcement of this act easily to find the same. The name of the owner or lessee may be filed as agent for this purpose.

Notice giving name and address.

SEC. 81. The names and addresses filed in accordance with sections seventy-nine and eighty hereof shall be indexed by the housing department in such a manner that all of those filed in relation to each apartment house or hotel shall be together and readily ascertainable. Said indices shall be public records, open to public inspection during business hours.

Filing of notices.

SEC. 82. Every notice or order in relation to an apartment house, hotel or dwelling shall be served five days before the

Service of notice.

time for doing the thing in relation to which it shall have been issued.

Service of
summons.

SEC. 83. In any action brought by any department charged with the enforcement of this act in relation to an apartment house, hotel or dwelling, for injunction, vacation of the premises or other abatement of nuisance, or to establish a lien thereon, it shall be sufficient service of summons to serve the same as summons are served under the provisions of the Code of Civil Procedure.

Minimum
require-
ments.

SEC. 84. The provisions of this act shall be held to be the minimum requirements adopted for the protection, the health and the safety of the community, and for the protection, the health and the safety of the occupants of apartment houses, hotels and dwellings. Nothing in this act contained shall be construed as prohibiting the local legislative body of any incorporated town, incorporated city, incorporated city and county, or county, from enacting, from time to time, supplementary ordinances or laws imposing further restrictions, or providing for fees to be charged for permits, certificates, or other papers required by this act; but no ordinance, law, regulation or ruling of any municipal or county department, authority, officer or officers, shall repeal, amend, modify or dispense with any of the provisions of this act.

Repeal of
inconsistent
statutes and
ordinances.

All statutes of the state and all ordinances of incorporated towns, incorporated cities, incorporated cities and counties, and counties, as far as inconsistent with the provisions of this act are hereby repealed; *provided*, that nothing in this act contained shall be construed as repealing or abrogating any present law or ordinance of any incorporated town, incorporated city, incorporated city and county, or county in the state which further restricts, the percentage of the lot to be covered by a building, the number of stories or height of a building or number of apartments or rooms therein, or the occupation thereof, the materials to be used in the construction, or that increases the size of the yards or courts, or the requirements as to sanitation, ventilation, light and protection against fire.

Exceptions.

Powers of
local
authorities
to impose
further
restrictions.

Nothing in this act contained shall be construed as abrogating, diminishing, minimizing or denying the power of any incorporated town, incorporated city, incorporated city and county, or county, by ordinance or law, to further restrict, the percentage of the lot to be covered by a building within said municipality, the number of stories or height of a building or number of apartments or rooms therein, the occupation thereof, the materials to be used in the construction, or to increase the size of the yards or courts, or the requirements as to sanitation, ventilation, light and protection against fire.

General
exception.

SEC. 85. Except as herein otherwise provided, every apartment house, hotel and dwelling shall be constructed and maintained in conformity with the existing law.

Constitution-
ality.

SEC. 86. If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitu-

tional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

SEC. 87. The act entitled "An act to regulate the erection, construction, re-construction, moving, alteration, maintenance, use and occupancy of tenement houses, and the maintenance, use and occupancy of the premises and land on which tenement houses are erected or located, in all parts of the State of California, including incorporated towns, incorporated cities, and incorporated cities and counties, and to provide penalties for the violation thereof; and repealing an act entitled 'An act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof, and repealing an act entitled "An act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof," approved April 16, 1909, Statutes of California of 1909, page 948,' approved April 10, 1911, Statutes of California of 1911, page 860, and approved June 13, 1913, Statutes of California, 1913, page 737, and approved May 29, 1915, Statutes of California, page 952, and all acts amendatory thereof," approved May 31, 1917, Statutes of California of 1917, page 1473, is hereby repealed.

Stats 1917,
p. 1473,
repealed

The act entitled "An act to regulate the erection, construction, reconstruction, moving, alteration, maintenance, use and occupancy of hotels, and the maintenance, use and occupancy of the premises and land on which hotels are erected or located, in all parts of the State of California, including incorporated towns, incorporated cities, and incorporated cities and counties, and to provide penalties for the violation thereof; and repealing an act entitled 'An act to regulate the building and occupancy of hotels and lodging houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof,' approved June 16, 1913, Statutes of California of 1913, page 1429, and approved May 31, 1917, Statutes of California of 1917, page 1422," is hereby repealed.

Stats. 1917,
p. 1422,
repealed

The act entitled "An act to regulate the construction, reconstruction, moving, alteration, maintenance, use and occupancy of dwellings, and the maintenance, use and occupancy of the premises and land on which dwellings are erected or located, in incorporated towns, incorporated cities, and incorporated cities and counties, and to provide penalties for the violation thereof, and approved May 31, 1917, Statutes of California of 1917, page 1461," is hereby repealed.

Stats 1917,
p. 1461,
repealed

CHAPTER 387.

An act to amend section fifty of an act entitled "An act to provide for the organization of the railroad commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations creating the 'railroad commission fund' and appropriating the moneys therein to carry out the provisions of this act, and repealing title fifteen of part four of division first of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act," approved April 23, 1915, as amended, providing for the regulation of vessels operating on the inland waters of this state.

[Approved June 15, 1923.]

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

Stats. 1917,
p. 168,
amended.

SECTION 1. Section fifty of an act entitled "An act to provide for the organization of the railroad commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities and their offices, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the 'railroad commission fund' and appropriating the moneys therein to carry out the provisions of this act and repealing title fifteen of part four of division first of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act," approved April 23, 1915, as amended, is hereby amended to read as follows:

New construction only after commission's certificate.

Sec. 50. (a) No railroad corporation whose railroad is operated primarily by electric energy, street railroad corporation, gas corporation, electrical corporation, telegraph corporation, telephone corporation or water corporation shall henceforth begin the construction of a street railroad, or of a line, plant, or system, or of any extension of such street railroad or line, plant, or system, without having first obtained from the commission a certificate that the present or future public convenience and necessity require or will require such construction; *provided*, that this section shall not be construed to require any such corporation to secure such certificate for an extension within any city and county, or city or town within which it shall have theretofore lawfully commenced operations, or for an extension into territory either within or without a city and county, or city or town, contiguous to its street railroad, or line, plant, or system, and not theretofore served by a public utility of like character, or for an extension within or to territory already served by it, necessary in the ordinary course of its business; *and provided*,

further, that if any public utility, in constructing or extending its line, plant, or system, shall interfere or be about to interfere with the operation of the line, plant, or system of any other public utility, already constructed, the commission, on complaint of the public utility claiming to be injuriously affected, may, after hearing, make such order and prescribe such terms and conditions for the location of the lines, plants, or systems affected as to it may seem just and reasonable.

(b) No public utility of a class specified in subsection (a) hereof shall henceforth exercise any right or privilege under any franchise or permit hereafter granted, or under any franchise or permit heretofore granted but not heretofore actually exercised, or the exercise of which has been suspended for more than one year, without first having obtained from the commission a certificate that public convenience and necessity require the exercise of such right or privilege; *provided*, that when the commission shall find, after hearing, that a public utility has heretofore begun actual construction work and is prosecuting such work, in good faith, uninterruptedly and with reasonable diligence in proportion to the magnitude of the undertaking, under any franchise or permit heretofore granted but not heretofore actually exercised, such public utility may proceed, under such rules and regulations as the commission may prescribe, to the completion of such work, and may, after such completion, exercise such right or privilege; *and provided*, *further*, that this section shall not be construed to validate any right or privilege now invalid or hereafter becoming invalid under any law of this state.

(c) Before any certificate may issue, under this section, a certified copy of its articles of incorporation or charter, if the applicant be a corporation, shall be filed in the office of the commission. Every applicant for a certificate shall file in the office of the commission such evidence as shall be required by the commission to show that such applicant has received the required consent, franchise or permit of the proper county, city and county, municipal or other public authority. When a complaint has been filed with the commission alleging that a public utility of the class specified in subsection (a) of this section is engaged or is about to engage in construction work without having secured from the commission a certificate of public convenience and necessity as required by the provisions of this section, the commission shall have power, with or without notice, to make its order requiring the public utility complained of to cease and desist from such construction until the commission makes and files its decision on said complaint or until the further order of the commission. The commission shall have power, after hearing, to issue said certificate, as prayed for, or to refuse to issue the same, or to issue it for the construction of a portion only of the contemplated street railroad, line, plant or system, or extension thereof, or for the partial exercise only of said right

Exercise of rights under franchise only when necessity requires.

Articles of incorporation must be filed.

Certificate authorizing construction.

or privilege, and may attach to the exercise of the rights granted by said certificate such terms and conditions, including provisions for the acquisition by the public of such franchise or permit and all rights acquired thereunder and all works constructed or maintained by authority thereof, as in its judgment the public convenience and necessity may require. If a public utility desires to exercise a right or privilege under a franchise or permit which it contemplates securing, but which has not as yet been granted to it, such public utility may apply to the commission for an order preliminary to the issue of the certificate. The commission may thereupon make an order declaring that it will thereafter, upon application, under such rules and regulations as it may prescribe, issue the desired certificate, upon such terms and conditions as it may designate, after the public utility has obtained the contemplated franchise or permit. Upon the presentation to the commission of evidence satisfactory to it that such franchise or permit has been secured by such public utility, the commission shall thereupon issue such certificate.

Vessels not to be operated without commission's certificate.

(d) No corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, shall hereafter operate or cause to be operated, any vessel between points exclusively on the inland waters of this state, without first having obtained from the railroad commission a certificate declaring that present or future public convenience and necessity require or will require, such operation, but no such certificate shall be required of any corporation or person which is actually operating vessels in good faith, at the time this act becomes effective, between points exclusively on the inland waters of this state under tariffs and schedules of such corporations or persons, lawfully on file with the railroad commission.

Every applicant for a certificate shall file in the office of the commission, application and evidence in such form as shall be required by the commission, and the commission shall have power, after hearing, to issue said certificate, as prayed for, or to refuse to issue the same, or to issue it for operation between certain points only.

When a complaint has been filed with the commission alleging that any vessel is being operated without a certificate of public necessity and convenience, as required by the provisions of this subsection, the commission shall have the power, with or without notice, to make its order requiring the corporation, or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, operating or managing such vessel, to cease and desist from such operation, until the commission makes and files its decision on said complaint, or until further order of the commission.

State's reserved power over utilities.

(e) The legislature hereby declares that the provisions of this section are being enacted under the state's reserved power over public utilities or corporations, or both, as the case may be, for the purpose of acting on the right of the grantee of a

public utility franchise granted by a county, city and county or incorporated city or town, to exercise rights thereunder, and not for the purpose of acting on the right of any city and county or incorporated city or town to grant any such franchise. The legislature hereby declares that the provisions of this section shall be and remain in full force and effect concurrently with the right of any city and county or incorporated city or town to grant franchises for public utilities upon the terms and conditions and in the manner prescribed by law.

CHAPTER 388.

An act to amend an act entitled "An act to provide for the organization of the railroad commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the 'railroad commission fund' and appropriating the moneys therein to carry out the provisions of this act, and repealing title fifteen of part four of division first of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act," approved April 23, 1915, by amending section thirty-two thereof to authorize the railroad commission to determine facilities necessary to meet public requirements and fix the rates therefor.

[Approved June 15, 1923.]

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

SECTION 1. Section thirty-two of an act entitled "An act to provide for the organization of the railroad commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the 'railroad commission fund' and appropriating the moneys therein to carry out the provisions of this act, and repealing title fifteen of part four of division first of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act," approved April 23, 1915, is hereby amended to read as follows:

Stats. 1915,
p. 122,
amended.

Sec. 32. (a) Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that the rates, fares, tolls, rentals, charges or classifications, or any of them, demanded, observed, charged or collected by any public utility for any service or product or commodity, or in connection therewith, including the rates or fares for excursion or commutation tickets, or that the rules, regulations, practices or contracts, or any of them, affecting such rates,

Power to
change un-
just rates.

fares, tolls, rentals, charges or classifications, or any of them, are unjust, unreasonable, discriminatory or preferential, or in any wise in violation of any provision of law, or that such rates, fares, tolls, rentals, charges or classifications are insufficient, the commission shall determine the just, reasonable or sufficient rates, fares, tolls, rentals, charges, classifications, rules, regulations, practices or contracts to be thereafter observed and in force, and shall fix the same by order as hereinafter provided.

Power to fix new rates.

(b) The commission shall have power, upon a hearing, had upon its own motion or upon complaint, to investigate a single rate, fare, toll, rental, charge, classification, rule, regulation, contract or practice, or any number thereof, or the entire schedule or schedules of rates, fares, tolls, rentals, charges, classifications, rules, regulations, contracts and practices, or any thereof, of any public utility, and to establish new rates, fares, tolls, rentals, charges, classifications, rules, regulations, contracts or practices, or schedule or schedules in lieu thereof.

Preservation of adequate service.

(c) The commission shall have power and it shall be its duty, upon a hearing, had upon its own motion or upon complaint, to determine the kind and character of facilities and the extent of the operation thereof, necessary to reasonably and adequately meet public requirements for service furnished by common carriers between any two or more points, and to fix and determine the just, reasonable and sufficient rates for such service and whenever two or more common carriers are furnishing service in competition with each other the commission shall have power, after hearing had upon complaint or upon its motion, when necessary for the preservation of adequate service and when public interest demands, to prescribe uniform rates, fares, tolls, rentals, charges, classifications, rules, regulations and practices to be charged, collected and observed by all such common carriers.

CHAPTER 389.

An act to amend section ten of the Political Code, relating to holidays.

[Approved June 15, 1923.]

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

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

Holidays.

10. Holidays within the meaning of this code, are every Sunday, the first day of January, twelfth day of February, to be known as Lincoln day, twenty-second day of February, thirtieth day of May, fourth day of July, ninth day of September, first Monday in September, twelfth day of October, to be known as "Columbus day," twenty-fifth day of December, eleventh day of November, known as "Armistice day," every day on which an election is held throughout the state,

and every day appointed by the president of the United States or by the governor of this state for a public fast, thanksgiving or holiday.

If the first day of January, twelfth day of February, twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September, the twelfth day of October, the twenty-fifth day of December or eleventh day of November falls upon a Sunday, the Monday following is a holiday.

Every Saturday from twelve o'clock noon until twelve o'clock midnight is a holiday as regards the transaction of business in the public offices of this state, and also in political divisions thereof where laws, ordinances or charters provide that public offices shall be closed on holidays; this shall not be construed to prevent or invalidate the issuance, filing, service, execution or recording of any legal process or written instrument whatever on such Saturday afternoon; and *provided*, further, that the public schools of this state shall close on Saturday, Sunday, the first day of January, the thirtieth day of May, the fourth day of July, the ninth day of September, the twenty-fifth day of December, and on every day appointed by the president of the United States or the governor of this state for a public fast, thanksgiving or holiday. Said public schools shall continue in session on all other legal holidays and shall hold proper exercises commemorating the day. Boards of school trustees and city boards of education shall have power to declare a holiday in the public schools under their jurisdiction when good reason exists therefor.

All public offices of the state and all state institutions, including the state university and all public schools in the state shall be closed on the ninth day of September of each year, known as "Admission day."

CHAPTER 390.

An act to be known as the "pure milk law" of California; to prevent the sale of impure and unwholesome milk, butter, ice cream and other milk products; to provide for milk scoring contests; to classify and grade milk; to provide rules and regulations therefor, and to empower cities, groups of cities and counties, to establish milk inspection service; to authorize the department of agriculture of the State of California to approve milk inspection service; to provide for the enforcement of this act; to prescribe penalties for violation of the provisions hereof; and to repeal all acts or parts of acts in conflict with this act.

[Approved June 15, 1923.]

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

SECTION 1. This act shall be known as the "pure milk TITLE law" of California.

SEC. 2. Unless specifically stated otherwise, the term milk MILK defined. as used in this act shall be construed to mean cow's milk as distinguished from the milk of goats, sheep or other animals.

Certain milk
to be pas-
teurized.

SEC. 3. It shall be unlawful for any person, firm or corporation, except in bulk to the wholesale trade, to sell or exchange or offer or expose for sale or exchange for human consumption, any milk from cows that have not passed the tuberculin test, until it has been pasteurized by the holding process at a temperature not less than one hundred forty degrees Fahrenheit for thirty minutes; *provided*, that market milk shall not be heated for more than one hour nor above one hundred forty-five degrees Fahrenheit. It shall further be unlawful for any person, firm or corporation to sell or exchange, or offer or expose for sale or exchange, for human consumption any butter, ice cream or other products of milk (except cheese and except butter as provided in the general dairy law of California) into the composition of which any milk enters other than that permitted in this section of this act to be sold at retail for human consumption.

Market
milk.
Classes.

SEC. 4. For the purposes of this act market milk shall be construed to include market cream and shall be divided into three general classes, as follows: Market milk or cream, manufacturing milk or cream and milk or cream unfit for human consumption.

Market
milk in-
cludes, what.

SEC. 5. Market milk or cream shall include all milk or cream supplied to the consumer in the natural fluid state or prepared for human consumption without being converted into any other form or product.

Sale of
raw milk

It shall be unlawful for any person, firm or corporation, by themselves or their agents or employees, to sell as or for raw market milk any milk unless, either directly or through a local inspecting department, a written request has been filed with the department of agriculture of the State of California that the cows by which this milk is produced be tuberculin tested and until all the requirements of this act for tuberculin testing have been complied with.

Graded
milk.

Market milk or cream produced and sold under the supervision and within the jurisdiction of a milk inspecting department, as provided in section nine of this act, or market milk produced under such supervision but sold outside the jurisdiction of a milk inspecting department, as also provided in section nine of this act, shall be known as graded milk.

Ungraded
milk.

All other market milk or cream shall be known as ungraded milk.

Manufactur-
ing milk

SEC. 6. Manufacturing milk or cream is milk or cream that is to be made into butter, cheese, condensed milk, powdered milk and by-products, such as casein, milk sugar and albumen.

Use for
other
purposes.

Manufacturing milk may also be used, wholly or in part, in the manufacture of other foodstuffs to be sold at retail; *provided*, that during the process of manufacture or immediately prior thereto, said milk shall have been subjected to a temperature of at least one hundred forty degrees Fahrenheit for thirty consecutive minutes; *and provided further*, that for every degree above one hundred forty-five degrees

Fahrenheit the time during which such temperature must be maintained may be decreased by one minute. The time for maintaining such temperature however, shall not be less than five minutes, except for milk that is repasteurized for manufacturing purposes as provided in section nineteen of this act.

SEC. 7. Milk or cream which does not conform to the requirements as defined in the general dairy law of California or with the requirements of either market milk or manufacturing milk as set forth in this act or which has been produced in an insanitary dairy or factory of dairy products or other insanitary place, or which has been handled in an insanitary manner is hereby declared to be impure and unwholesome and must not be sold for human consumption. Such milk must be kept in a distinctive container plainly marked with the words "unsfit for human consumption."

Sale of
impure and
unwholesome
milk.

SEC. 8. When served by any hotel, boarding house, restaurant, saloon, lunch counter or other place of public entertainment market milk shall be served in the original bottle, the cap of which shall not be removed, except in the presence of the consumer or patron; *provided, however*, that this provision shall not apply to cream so served.

Milk served
in public
eating
places

It shall be unlawful for any person, firm or corporation to sell, exchange, offer or expose for sale or exchange, or have on hand for sale or exchange or serve in any hotel, boarding house, restaurant, saloon, lunch counter or other place of public entertainment any milk or cream to which any gelatine or other substance, except as provided in the general dairy law of California, has been added to increase the consistency of such milk or cream so as to make it appear richer or of better quality; *provided, however*, that nothing in this act shall be construed to prohibit the standardization of milk and cream as provided in the general dairy law of California.

All the provisions of section eight shall also apply to goat's milk.

Goat's milk.

It shall be unlawful for any person, firm or corporation, to sell or exchange or offer or expose for sale or exchange for human consumption, as and for cow's milk, any cow's milk to which goat's milk has been added or, as and for goat's milk, any goat's milk to which cow's milk has been added.

SEC. 9. It shall be unlawful for any person, firm or corporation to sell, or exchange, or offer or expose for sale or exchange, in any city, county or city and county, in which a milk inspection service, approved by the department of agriculture of the State of California has been established, any milk other than as hereinafter provided in this act. For the purpose of this act the term "milk inspecting department" shall be construed to mean the health department of a county or group of counties, city or group of cities, or city and county maintaining a milk inspection service approved in writing by the department of agriculture of the State of California, and such milk inspecting department shall include at least one regularly licensed physician. It shall be unlawful for any

Sale of milk
where milk
inspection
service
established

person, firm or corporation to sell or exchange, or offer or expose for sale or exchange any milk as and for or under the designation, label or other representation of "guaranteed", "grade A" or "grade B" milk, except within a county or group of counties, city or group of cities, or city and county maintaining a milk inspection service approved by the department of agriculture of the State of California; *provided*, that a person, firm or corporation which is authorized to sell milk within the jurisdiction of a milk inspecting department may sell milk from the same supply, of the same quality, in similar containers, and under the same label in territory outside the jurisdiction of any milk inspecting department, if local ordinances are not thereby violated, and also in territory within the jurisdiction of any other milk inspecting department; if the consent of said other milk inspecting department has been previously obtained.

Milk not to be sold for human consumption.

SEC. 10. Except as provided in section sixteen of this act, all milk sold or exchanged or offered or exposed for sale or exchange, except in bulk to the wholesale trade, in any county or group of counties, city or group of cities, or city and county, in which a milk inspection service, approved by the department of agriculture of the State of California has been established, except certified milk, guaranteed milk, grade A milk, grade B milk and manufacturing milk as provided in section sixteen of this act is hereby declared to be impure and unwholesome and must not be sold for human consumption.

Grades of milk.

SEC. 11. Where an approved milk inspection service is maintained as provided in section nine of this act, milk shall be graded as follows: certified milk, guaranteed milk, grade A milk, grade B milk, manufacturing milk and milk unfit for human consumption.

Certified milk.

SEC. 12. Certified milk is market milk which conforms to the rules, regulations, methods and standards for the production and distribution of certified milk adopted by the American Association of Medical Milk Commission, and must bear the certification of a milk commission appointed by a county medical association, organized under and approved by the Medical Society of the State of California, and must otherwise conform to the requirements of the so-called certified milk act, approved April 25, 1913 (Stats. 1913, p. 83).

Guaranteed milk.

SEC. 13. Guaranteed milk is milk either raw or pasteurized, the quality of which is guaranteed by the dealer in a written statement filed with an approved milk inspecting department and approved in writing by said department.

Before it approves any guaranteed milk, each milk inspecting department shall set a minimum standard for such milk produced under its supervision, which standard whether for raw or pasteurized shall be higher than that required for grade A raw.

Requirements for grade A milk.

SEC. 14. No person, firm or corporation shall sell, or exchange, or offer or expose for sale or exchange, as and for grade A milk, any milk that does not conform to the rules and regulations and the methods and standards for production

and distribution of grade A milk adopted by the milk inspecting department. Grade A milk shall conform to the following requirements as a minimum:

If raw, it shall consist of clean, raw milk from healthy cows as determined by physical examination at least once in six months by a qualified veterinarian under the supervision of a milk inspecting department, and by the tuberculin test by a qualified veterinarian under the supervision of the department of agriculture of the State of California, and from dairies that score not less than seventy per cent on the score card adopted by the department of agriculture of the State of California; *provided, however*, that dairies where no two cows freshen within any four consecutive months and which are found by any milk inspecting department to comply fully with the remaining provisions of this act are hereby exempted from such scoring requirements and from the use of labels prescribed in section twenty hereof. The tuberculin test must be repeated annually, if no reacting animals are found in the herd. If reacting animals are found, they must be removed from the herd, and the tuberculin test repeated in six months. All cows are to be fed, watered, housed and milked under conditions approved by the milk inspecting department. All persons who come in contact with the milk must exercise scrupulous cleanliness and must not harbor the germs of typhoid fever, tuberculosis, diphtheria or other communicable diseases liable to be conveyed by milk. Absence of such germs shall be determined by cultures and physical examination, to the satisfaction of the milk inspecting department. This milk is to be delivered in sterile containers and is to be kept at a temperature established by the milk inspecting department until it reaches the ultimate consumer, when it must contain less than one hundred thousand bacteria per milliliter.

If pasteurized, it must come from cows free from disease as determined by physical examination at least once in six months, by a qualified veterinarian under the supervision of a milk inspecting department. It shall contain less than two hundred thousand bacteria per milliliter before pasteurization and less than fifteen thousand bacteria per milliliter at the time of delivery to the ultimate consumer. Dairies from which this milk is derived must score at least sixty on the score card approved by the department of agriculture of the State of California.

SEC. 15. No person, firm or corporation shall sell or exchange, or offer or expose for sale or exchange as and for grade B milk, any milk that has not been pasteurized or does not conform to the following requirements as a minimum: it must be obtained from cows in no way unfit for the production of milk for use by man, as determined by physical examination at least once in six months by a qualified veterinarian under the supervision of a milk inspecting department. Before pasteurization it shall contain less than one million bac-

Require-
ments for
grade B
milk.

teria per milliliter and after pasteurization shall contain less than fifty thousand bacteria per milliliter.

Manufacturing milk, use and treatment of.

SEC. 16. Milk which contains more than one million bacteria per milliliter but otherwise conforms to all the requirements of grade B milk shall be known as manufacturing milk and must not be sold for human consumption as market milk. It may, however, be used, wholly or in part in the manufacture of foodstuffs to be sold at retail; *provided*, that during the process of manufacturing or immediately prior thereto said milk shall have been subjected to a temperature of at least one hundred forty degrees Fahrenheit for thirty consecutive minutes; *and provided, further*, that for every degree above one hundred forty-five degrees Fahrenheit the time during which such temperature must be maintained may be decreased by one minute. The time for maintaining such temperature however shall not be less than five minutes, except for milk that is repasteurized for manufacturing purposes as provided in section nineteen of this act.

This section shall not be construed to prohibit, within the jurisdiction of milk inspecting departments, the use in the manufacture of butter, cheese, condensed milk, powdered milk or by products, as provided in section six of this act, of any milk permitted to be used for such purpose outside the jurisdiction of any milk inspecting department; *provided, however*, such milk shall not be used except in a regularly licensed milk product factory, which has complied with all the provisions of the general dairy law of California and which has obtained, in writing, permission to operate within the jurisdiction of a milk inspecting department from the department of agriculture of the State of California.

Milk unfit for human consumption.

SEC. 17. Milk not suitable for human consumption as provided in sections seven, ten and eleven of this act may be sold for industrial purposes, provided it be heated to a higher temperature than necessary for pasteurization, and delivered in a distinctive container, plainly marked with the words "Unfit for human consumption" in letters not less than one-quarter inch in length and one-twelfth inch stroke.

Market cream.

SEC. 18. If graded, market cream of any grade shall conform to all the standards set for market milk of the same grade, except that the maximum bacterial count for cream shall be not more than three times as great as that of the corresponding grade of milk.

Pasteurization.

SEC. 19. Milk for pasteurization must be kept at a temperature established by the milk inspecting department up to the time of delivery to the pasteurization plant and rapidly cooled after pasteurization to a temperature of fifty degrees Fahrenheit or below and so maintained to the time of delivery to the ultimate consumer.

Except as otherwise provided in sections six and sixteen of this act, pasteurization shall be by the holding method at a temperature not less than one hundred forty degrees Fahrenheit for thirty minutes; *provided*, that market milk

shall not be heated above one hundred forty-five degrees Fahrenheit.

Every pasteurization plant shall be equipped with a sufficient number of self registering devices to accurately record the temperature to which and the length of time for which the pasteurized product has been heated. Such records shall be kept for two months and be available for inspection by any authorized inspector, agent or other employee of any health department or any milk inspection department or the department of agriculture of the State of California.

Milk may be repasteurized not to exceed once for manufacturing purposes. Repasteurized milk shall not be sold for market milk.

SEC. 20. The class or grade of all milk or cream sold, except in bulk to the wholesale trade, and the name and address of the producer or distributor (who shall be responsible for the quality of the contents and correct labeling as required by this act) shall at all times appear plainly and in a conspicuous place on or be securely attached to every bottle, cap, can or container. Labels.

Milk sold or exchanged or offered or exposed for sale or exchange as and for graded milk under the designation, label or other representation of "guaranteed", "grade A", or "grade B" milk shall have the name of the grade and whether raw or pasteurized marked on the container or cap of the container in capital letters not less than one-eighth inch long and one-sixteenth inch wide; *and, provided, further,* that milk not suitable for human consumption shall be plainly marked "Unfit for human consumption" as provided in sections seven, ten, eleven and seventeen of this act. Grade designated.

No distinguishing names, marks or words other than those specified in this act shall appear on any bottle, cap, can or container to signify or describe the quality or in any other way distinguish the milk or cream contained therein from similar products of the same class or grade. Distinguishing marks.

SEC. 21. Counties, or groups of counties, cities or groups of cities, or cities and counties, are hereby authorized to maintain a milk inspection service and laboratory conformable to requirements as set forth by the department of agriculture of the State of California. Counties, etc., may maintain inspection service.

SEC. 22. It shall be the duty of the department of agriculture of the State of California either directly or indirectly through authorized inspectors, agents or other employees or through local inspecting departments to inspect dairies and milk plants, to examine and test cows, to exclude reacting animals from the herds, to mark indelibly by tattooing the ear with the capital letter "T" one inch long, any cattle which under the provisions of this act have been tested with tuberculin and found to react to the test, to supervise or conduct and supervise milk scoring or other contests when deemed advisable, and to enforce all the other provisions of this act. Duty of department of agriculture.

The department of agriculture of the State of California is hereby authorized to approve milk inspection service and to make such rules and regulations as may be necessary from time to time to enforce any provision of this act.

Duty of
district
attorneys.

SEC. 23. It shall be the duty of the district attorney of each and every county of this state, upon application of the said department of agriculture, or of any milk inspecting department in said county, or their authorized representatives, to attend to the prosecution, in the name of the people of any action brought for the violation of any of the provisions of this act within his county.

Offenses
and
penalties.

SEC. 24. It shall be unlawful for any person, firm or corporation to fail, neglect or refuse, or to direct or knowingly permit any employee to fail, neglect or refuse to do any of the things required to be done by the provisions of this act or by the rules and regulations authorized in section twenty-two of this act; and it shall be unlawful for any person, firm or corporation to do, or to direct or knowingly permit any employee to do, any of the things prohibited by the provisions of this act or by said rules and regulations; and in every case the failure, neglect or refusal to do anything required by this act or by said rules and regulations; and the doing of anything prohibited by this act or by said rules and regulations, is hereby declared to be a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars.

Any person who violates any provision of this act or who directs or knowingly permits an employee to violate any of said provisions, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than sixty days, or by both such fine and such imprisonment.

Any firm, corporation, society or association which violates any of said provisions shall be guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five dollars nor more than two hundred dollars.

In the event an officer, director, manager or managing agent of any firm, corporation, society, or association violates any of the provisions of this act, or directs or knowingly permits any employee to violate any of said provisions, such officer, director, manager or managing agent shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars, or by imprisonment in the county jail for not less than ten days, nor more than sixty days, or by both such fine and such imprisonment, and in such a case, the firm, corporation, society or association shall also be guilty and upon conviction shall be fined not less than twenty-five dollars nor more than two hundred dollars.

Constitution-
ality.

SEC. 25. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining

portions of this act. The legislature hereby declares that it would have passed this act, each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SEC. 26. All acts or parts of acts in conflict herewith are hereby repealed. Repealed.

CHAPTER 391.

An act to amend an act entitled "An act providing for publicity of contributions and expenditures made for the purpose of influencing electors for or against any provisions voted upon throughout the state and providing penalties for violation of the provisions hereof," approved June 1, 1921.

[Approved June 15, 1923.]

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

SECTION 1. Section one of an act entitled "An act providing for publicity of contributions and expenditures made for the purpose of influencing electors for or against any provisions voted upon throughout the state and providing penalties for violation of the provisions hereof" approved June 1, 1921, is hereby amended to read as follows: Stats. 1921,
p. 953,
amended.

Section 1. Words and phrases when used in this act shall, unless such construction be inconsistent with the context, be construed as follows: Words and
phrases.

1. The word "association" means and includes any person and any committee, firm, association, public or private corporation or other group of persons, whether incorporated or not, that collects, raises or receives moneys, or receives promises of money, aggregating from all sources a sum in excess of one thousand dollars, or that expends his, its or their own money or funds, in excess of one thousand dollars, for the payment of expenses in a campaign to influence the action of the electors for or against the adoption of any initiative or referendum measure, proposed constitutional amendment, bond act or any other proposition voted upon by the electors of the state at an election held throughout the state. "Associa-
tion."

2. The word "expenses" means and includes the cost of circulating, or securing signatures to, initiative or referendum petitions, of holding and conducting public meetings, of printing and circulating specimen ballots, handbills, cards, and other papers previous to an election and of advertising, postage, expressage, telegraphing, telephoning and all salaries and expenses of campaign managers, lecturers, solicitors and agents and salaries and expenses of all persons employed in transacting business at headquarters or branch offices and expenses of maintaining the same, and for the renting of rooms for the transaction of the business of an association. "Expenses."

“Treasurer.” 3. The word “treasurer” means and includes the treasurer, manager, secretary, agent, board of trustees, board of directors or other person or persons, who is or are in fact charged with the work, duty, or responsibility of collecting, managing or expending the funds of an association.

Stats. 1921,
p. 983,
amended.
Statement
receipts and
expenses.

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

SEC. 2. Not more than forty-five days nor less than forty days prior to an election, every association shall file in triplicate in the office of the secretary of state an itemized, detailed and verified statement of receipts and expenses showing:

1. The name and address of each person, firm or corporation that has contributed, promised, loaned or advanced to such association or for its use directly or indirectly any money or the equivalent of money aggregating in value the sum of twenty-five dollars and the amount or sum contributed, promised, loaned or advanced by each.

2. The total sum contributed, promised, loaned or advanced to such association or for its use directly or indirectly in amounts of less than twenty-five dollars.

3. The total sum contributed, promised, loaned or advanced by such association from its own funds or money, or contributed, promised, loaned or advanced to such association or for its use directly or indirectly from all sources regardless of the amount of single or individual contributions.

4. The name and address of each person, firm or corporation to whom or which such association has contributed, disbursed, distributed, loaned, advanced, or promised any sum of money or the equivalent of money in the amount of ten dollars or more and the amount so contributed, disbursed, distributed, loaned, advanced or promised in each instance.

5. The total sum contributed, disbursed, distributed, loaned, advanced or promised by the association to any person, firm or corporation in amounts of less than ten dollars each.

6. The total sum contributed, disbursed, distributed, loaned, advanced or promised by the association to any and all persons for any and all expenses whatsoever.

SEC. 3. A new section is added to said act to be known as section three and to read as follows:

Second
statement
prior to
election.

SEC. 3. Not more than twelve days nor less than seven days prior to an election, every association must file in triplicate in the office of the secretary of state an itemized, detailed and verified statement showing as of the date of said subsequent filing all matters and information required under section two of this act not included in said previous statement; *provided, however,* that said second statement shall contain and include a recapitulation showing the totals of the various items required in the respective subdivisions in section two of this act.

Stats. 1921,
p. 984,
amended.

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

Sec. 4. Within thirty days next succeeding the date of the election each association must file in triplicate in the office of the secretary of state an itemized, detailed and verified statement showing as of the date of said last named filing, all matters and information required under section two of this act not included in said previous statements; *provided, however*, that said third statement shall contain a recapitulation showing the totals of the various items required in the respective subdivisions in section two of this act.

Statement
after
election

Sec. 5. Section four of said act is hereby amended to read as follows:

Stats. 1921,
p. 981,
amended.

Sec. 5. The secretary of state, upon the filing in triplicate of the respective statements in this act required, shall forthwith transmit one of said triplicate copies to the county clerk of Los Angeles county and one of said triplicate copies to the county clerk of the city and county of San Francisco. The secretary of state shall furnish like copies to any other county clerk upon demand. Such copies furnished to such county clerks shall be kept on file and shall be open to public inspection.

Statements
open to
public
inspection.

Sec. 6. Section five of said act is hereby amended to read as follows:

Stats. 1921,
p. 984,
amended.

Sec. 6. Every association, as in this act defined, whether an individual or group of persons, incorporated or unincorporated, and each treasurer, managing or disbursing officer or agent thereof that violates any of the provisions hereof shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment, one-half of said fine to be paid to the informer and one-half to be paid into the county treasury.

Penalty.

Sec. 7. Section six of said act is hereby amended to read as follows:

Stats. 1921,
p. 984,
amended.

Sec. 7. In addition to the penalties hereinabove prescribed, each association, whether an individual or a group of persons, incorporated or unincorporated, and each treasurer, managing or disbursing officer or agent thereof that violates any of the provisions hereof shall be liable to a penalty of one thousand dollars to be recovered in a civil action brought by any citizen of the state; *provided, however*, that not more than one such civil penalty may be recovered for a single offense. No statute of limitations shall apply to the bringing of an action under this section.

Civil action
by citizen

CHAPTER 392.

An act to refer to its provisions as the general dairy law of California; to provide for the maintenance of a uniform high standard of quality in California dairy products; to prevent the manufacture and sale of unwholesome or adulterated dairy products; to prevent deception and fraud

in the production and sale of dairy products and in the manufacture, advertising and sale of imitation milk, renovated butter, and oleomargarine; to regulate the business of producing, buying and selling dairy products and their substitutes; to provide for the issuance and revocation of licenses for dairy products plants and to provide for the accumulation of dairy statistics; to provide for rules and regulations to carry out the provisions of this act; to provide for the enforcement of its provisions and punishment of violators thereof; to repeal an act entitled "An act to prevent the manufacture or sale of dairy products from unhealthy animals, or that are produced under unsanitary conditions; to prevent deception or fraud in the production and sale of dairy products, and in the manufacture and sale of renovated butter and oleomargarine; to license the manufacture and sale of renovated butter and oleomargarine; to regulate the business of producing, buying and selling dairy products, oleomargarine, renovated or imitation butter and cheese; to provide for the enforcement of its provisions and for the punishment of violations thereof, and appropriating money therefor and to repeal section seventeen of an act approved March 4, 1897, entitled 'An act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement and to appropriate money therefor,' and to repeal all acts and parts of acts inconsistent with this act." Approved April 21, 1911; and to repeal all parts of acts in conflict herewith.

[Approved June 15, 1923.]

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

TITLE. SECTION 1. This act shall be known as the general dairy law of California.

Sale of unclean milk, etc., prohibited. SEC. 2. (a) It shall be unlawful for any person, firm or corporation, by themselves or their agents or employees, to sell, offer or expose for sale or exchange, present or deliver to any creamery, cheese factory, milk condensing factory, milk pasteurizing plant, or other buyer, consumer or user of milk or products of milk, or to knowingly purchase or receive any impure, polluted, tainted, unclean, unwholesome, stale or adulterated milk or cream, or any product manufactured wholly or in part therefrom. It shall be unlawful for any person, firm or corporation by themselves or their agents or employees, to sell, offer or expose for sale or exchange, present or deliver to any creamery, cheese factory, milk condensing factory, milk pasteurizing plant, or other buyer, consumer or user of milk or products of milk, or to knowingly purchase or receive any milk that does not conform to the definition and standards established by this act, or any products of milk as and for any of the products defined by the provisions of this act, unless they shall conform to such definitions and standards as are established by this act.

(b) It shall be unlawful for any person, firm or corporation by themselves, or their agents or employees, to sell, expose for sale, or offer for sale or exchange, present or deliver to any creamery, cheese factory, milk condensing plant, milk pasteurizing plant, or other buyer, consumer or user of milk or products of milk, or to knowingly purchase or receive any milk or product of milk which has been produced in or by a dairy or factory of dairy products in an insanitary condition, or that is handled by any carrier or in any store or depot that is in an insanitary condition; or that is produced from cows affected by any disease, except as hereinafter provided. Sale of milk from insanitary dairies, etc.

SEC. 3. (a) Milk is the unadulterated, fresh, clean, lacteal Milk. secretion, all parts of which shall have been obtained from the udder by the complete milking of one or more healthy cows, properly fed and kept, (excluding that obtained within five days after or fifteen days prior to parturition) free from foreign substances detrimental to its quality or the quality of products prepared therefrom, and containing not less than three per cent of milk fat and not less than eight and five-tenths per cent solids not fat; *provided*, that nothing herein shall be construed to prohibit the standardization of milk at a uniform fat content not less than three per cent of milk fat. Milk shall have been produced from non-reacting tuberculin tested cows as determined by a test applied by a qualified veterinarian under the supervision of the department of agriculture of the State of California or shall be pasteurized and shall otherwise conform to the rules and regulations adopted by the said department of agriculture as provided for in section twenty-one of this act. Milk for manufacturing purposes may be repasteurized not exceeding once.

(b) Goat's milk is the unadulterated fresh, clean, lacteal Goat's milk. secretion, free from colostrum, obtained by the complete milking of one or more healthy goats, properly fed and kept.

(c) Sheep's milk or ewe's milk is the unadulterated, fresh clean lacteal secretion, free from colostrum, obtained by the complete milking of one or more healthy ewes, properly fed and kept.

(d) Milk unfit for human consumption is the product of Sheep's milk. Milk unfit for human consumption. the mammary glands of animals which does not conform to the requirements for milk or goat's milk or ewe's milk as defined in this act, or which has been produced in an insanitary dairy or factory of dairy products, or other insanitary place, or handled in an insanitary manner.

SEC. 4. Cream is that portion of milk rich in milk fat Cream. which rises to the surface of milk on standing, or is separated from it by centrifugal force, is fresh and clean, and contains not less than eighteen per cent of milk fat and not more than eight per cent of milk solids not fat in cream containing eighteen per cent of milk fat and correspondingly less solids for greater percentages of milk fat. Cream shall have been produced from non-reacting tuberculin tested cows as determined by a test applied by an authorized veterinarian under

the supervision of the department of agriculture of the State of California, or shall be pasteurized and shall otherwise conform to the rules and regulations adopted by the said department of agriculture as provided for in section twenty-one of this act. Cream for manufacturing purposes may be repasteurized not exceeding once.

Evaporated
or condensed
milk, etc.

SEC. 5. (a) Evaporated or condensed milk is milk from which a considerable portion of moisture has been evaporated. The standard of composition for evaporated or condensed milk, whether sweetened or unsweetened, shall be that proclaimed and established by the secretary of the United States department of agriculture.

(b) Evaporated cream or clotted cream is cream from which a considerable portion of moisture has been evaporated.

(c) Evaporated or condensed skim milk is skim milk from which a considerable portion of moisture has been evaporated and contains not less than eighteen per cent milk solids.

(d) Evaporated or condensed goat's milk is goat's milk from which a considerable portion of moisture has been evaporated and shall otherwise conform to the requirements adopted by the department of agriculture of the State of California.

Butter.

SEC. 6. (a) Butter is the clean, non-rancid product made by gathering the fat of fresh or ripened milk or cream into a mass, which also contains a small portion of other milk constituents, with or without salt, and a harmless coloring matter, and contains not less than eighty per cent of milk fat and not more than sixteen per cent of moisture.

"Pasteurized."

(b) Butter made from cream produced from cows which have passed an official tuberculin test shall be marked with the words, "From non-reacting tuberculin tested cows;" that made from pasteurized cream shall be marked with the word, "Pasteurized." Butter may be made from cream which does not conform to the requirements of section four of this act, to be sold only in bulk to the manufacturers of foodstuffs; *provided*, that said butter shall be used by manufacturers of foodstuffs only and in the manufacture of such foodstuffs said butter shall be subjected to a minimum temperature of two hundred twenty-five degrees Fahrenheit; *and provided further*, that it shall be unlawful to use any such butter except in the manufacture of food subjected to said temperature. Butter, which by the provisions of this section is permitted to be used in the manufacture of foodstuffs, shall be marked with the words, "for cooking and baking only."

Labels.

(c) Butter sold or offered for sale shall be labeled with the name and address of the manufacturer, the wholesale distributor, or the retailer. The words, "manufactured by," shall appear above the name, when the name of the manufacturer is given; the words, "distributed by," shall appear above the name when the name of the wholesale distributor is given; and the words, "put up for" or "put up by," as the case may be, shall appear above the name when the name of the retailer is given. The name of any city, county or other geographical designation or any word which may be

pronounced the same as any city, county, or other geographical designation, other than the address of the manufacturer, wholesale distributor or retailer, whose name is printed on any package or wrapper, shall not appear thereon; *provided*, that nothing in this section shall be construed to prohibit the use of a trademark or brand having a geographical name, copyrighted or registered in the office of the secretary of state of the State of California prior to the first day of January, 1923, A. D. Trademarks.

SEC. 7. Cheese is the sound, solid or semi-solid product made from milk, skim milk, or cream by coagulating the casein thereof with rennet, pepsin or lactic acid, with or without the addition of ripening ferments and seasoning and with or without salt and with or without harmless coloring matter. Milk to be made into cheese shall conform to the following requirements as a minimum: it shall be unadulterated, fresh, clean, free from foreign substances detrimental to its quality or the quality of the products prepared therefrom, and shall have been obtained from the udder by the complete milking of one or more healthy cows properly fed and kept, excluding that obtained within five days after or fifteen days prior to parturition. All cheese sold or offered for sale must be labeled to indicate the variety and, if made in California, it must be labeled at the factory with the manufacturer's factory number, assigned annually by the department of agriculture of the State of California under the rules and regulations provided for in section twenty-one of this act. If made outside of the State of California, it must be labeled with the name of the manufacturer or distributor. Cheddar, granular (California type) and Monterey (jack) cheese shall be labeled to indicate the grade; whether full-cream, half skim or skim. Full cream cheese must contain not less than fifty per cent of pure milk fat in its water-free substance. Half skim cheese must contain not less than twenty-five per cent of pure milk fat in its water-free substance. Skim cheese is cheese which contains less than twenty-five per cent of pure milk fat in its water-free substance. Cheddar cheese must contain not more than thirty-eight per cent of moisture. Granular (California type) cheese must contain not more than forty per cent of moisture. Monterey (jack) cheese must contain not more than forty-two per cent of moisture. Cottage cheese shall be made from pure milk or skim milk which has been pasteurized as provided in section fifteen of this act. The standards of composition and requirements for labeling for other varieties of cheese shall be those promulgated by the director of agriculture of the State of California. Cheese.
Labels.
Standards.

SEC. 8. (a) Ice cream is a frozen product made with pure, sweet milk, cream, skim milk, condensed milk, condensed skim milk, dried milk, dried skim milk, wholesome sweet butter, pure milk fat or any combination of any such products, with or without sweetening and with or without the use of harmless flavoring and coloring and containing not less than ten per cent of milk fat nor more than six-tenths of one per cent of Ice cream.

pure, harmless, edible vegetable gum or gelatine. All manufacturers of ice cream who manufacture ice cream from butter shall first secure from the department of agriculture of the State of California a permit to do so. Said permit shall be issued subject to the rules and regulations made and promulgated by said department of agriculture and may be revoked for violation thereof after due hearing by the director of agriculture.

Fruit ice cream

(b) Fruit ice cream is ice cream which contains not less than eight per cent of milk fat and not less than three per cent by weight of clean, mature, sound fruit or the juice thereof, with or without the use of harmless flavoring and coloring and containing not more than six-tenths of one per cent of pure, harmless, edible, vegetable gum or gelatine.

Nut ice cream.

(c) Nut ice cream is ice cream which contains not less than eight per cent of milk fat and not less than one per cent by weight of sound, non-rancid nut meats, with or without the use of harmless flavoring and coloring, and containing not more than six-tenths of one per cent of pure, harmless, edible, vegetable gum or gelatine.

Ice milk.

(d) Ice milk is a frozen product containing less milk fat than ice cream and made from pure sweet milk and sugar, with or without harmless flavoring and containing not less than two and four-tenths per cent of milk fat and not more than six-tenths of one per cent of pure, harmless, edible, vegetable gum or gelatine. All containers of ice milk shall be conspicuously labeled and vehicles conveying ice milk and places where ice milk is sold shall display a conspicuous sign containing the words, "Ice milk sold here," in letters not less than six inches high, and no person shall use the name, "ice cream," in connection therewith either orally or written.

Standards.

SEC. 9. The following products of milk enumerated in this section shall be deemed adulterated, if they shall not conform to the following definitions and standards:

Milk fat or butter fat.

(a) Milk fat or butter fat is the fat of milk and has a Reichert-Meissl number not less than twenty-four and a specific gravity not less than nine hundred five-thousandths (0.905) (milk fat at forty degrees centigrade compared with water at forty degrees centigrade). By Reichert-Meissl number is meant the number of milliliters of decinormal alkali required to neutralize the acidity of the distillate from five grams of fat treated in the manner described in the book entitled, "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," published by that association in the month of September, in the year nineteen hundred twenty. (September, 1920, A. D.)

Skim milk.

(b) Skim milk is milk from which a part or all of the milk fat has been removed, which contains less than three per cent of milk fat and not less than eight and eight-tenths per cent of milk solids.

(c) Buttermilk is that portion of cream which remains after the separation and removal therefrom of milk fat in the process of churning, without the addition of water. Buttermilk.

(d) Milk or skim milk, properly pasteurized and combined with fruit or fruit juices, chocolate, chocolate syrups or other harmless syrups, with or without the addition of harmless coloring, may be used in the manufacture and sale of soft drinks under a trade name; *provided*, said trade name does not contain the words, "milk" or "cream," or any words resembling milk or cream; *and provided further*, that said product shall be so colored or contain ingredients that cause it to look unlike milk or cream or any product thereof. Use of milk in soft drinks.

(e) Pasteurized skim milk or whole milk, or combination thereof, may be treated with lactic acid micro-organisms and sold under a trade name which shall not contain the words, "milk," "cream" or "buttermilk." Treated milk

SEC. 10. No person, firm or corporation shall produce, manufacture or prepare for sale, or sell, offer for sale or have on hand for sale, any milk, cream, or other product of milk to which has been added, or that may contain, any compound of boron, salicylic acid, formaldehyde, or other chemical or substance for the purpose of preventing or delaying fermentation or souring. It shall be unlawful for any person to produce, manufacture or prepare for sale, or to sell, or to offer for sale, or to have on hand for sale, any milk or product of milk, to which any coloring matter, except as otherwise provided in this act, has been added by any person or to which any gelatine or other substance, except as otherwise provided in this act, has been added by any person to increase the consistency of such milk, or product of milk, so as to make it appear richer or of better quality. This section shall not be construed to prohibit the use of harmless coloring matter and common salt (chloride of sodium) in butter and cheese, the use of gelatine or other substances named in section eight of this act in the manufacture of ice cream, or the use of alkalies approved by the department of agriculture of the State of California in the manufacture of butter. Unlawful to use formaldehyd, etc., to delay souring.

SEC. 11. All products defined in this act, when sold or offered for sale to the retail trade, shall be labeled with the correct name of the product as herein defined, and shall conform to all other requirements for special labeling of the products as otherwise provided in this act, or the rules and regulations for its enforcement. No person shall use the name of any product defined in this act in connection with its sale, either verbally, printed or written, unless the product conforms to the definitions and standards herein required. Adding coloring, etc.

SEC. 12. (a) Imitation milk is: (1) Any mixture combined with or composed of skim milk, condensed, evaporated or dried milk and any edible oil or fat, other than natural milk fat whether with or without any other ingredients, except that chocolate when used in combination with either whole Labeling of milk products.

Imitation milk.

or skim milk and sweetening shall not be deemed to be imitation milk. (2) Any mixture or compound made in imitation or semblance or having the appearance or semblance of milk or condensed or evaporated milk; or when so made or having such appearance or semblance calculated or intended, whether by intent of the compounder or other person, or by reason of the appearance or other characteristic of the mixture or compound, for use or disposition as or for milk, or as or for condensed or evaporated milk, or to induce its purchase, or use as or for milk or condensed or evaporated milk. Imitation milk shall contain not less than three per cent of edible oils or fats and, if evaporated or condensed, shall contain not less than seven and eight-tenths per cent of edible oils or fats. The manufacture and sale of imitation milk as herein defined shall, otherwise, be in accordance with chapter fifty-nine of statutes of 1919.

Oleomargarines.

(b) For the purposes of this act certain manufactured substances, certain extracts, and certain mixtures and compounds including such mixtures and compounds with butter, milk or cream, shall be known and designated as "oleomargarine," namely: All substances heretofore known as oleomargarine, oleo, oleomargarine-oil, butterine, lardine, suine, and neutral; all mixtures and compounds of oleomargarine, oleo, oleomargarine-oil, butterine, lardine, suine and neutral; all lard extracts and tallow extracts; and all mixtures and compounds of tallow, beef-fat, suet, lard, lard oil, cocoanut oil, peanut oil, intestinal fat, and offal fat made in imitation or semblance of butter, or when so made, calculated or intended to be sold as butter or for butter; or butter substitute; and for the purposes of this act, every article, substance or compound, other than that produced from pure milk, or cream from the same, made in the semblance of cheese, and designed to be used as a substitute for cheese made from pure milk or cream, is hereby declared to be imitation cheese; *provided*, that the use of salt, rennet and a harmless coloring matter for coloring the product of pure milk or cream, shall not be construed to render such product an imitation; *and provided*, that nothing in this section shall prevent the use of pure skim milk in the manufacture of cheese.

Imitation butter or cheese.

(c) No person, by himself or his agents or servants, shall render, manufacture, sell, offer for sale, expose for sale, or have in his possession with intent to sell or to use or to serve to patrons, guests, boarders, or inmates in any hotel, eating house, restaurant, public conveyance or boarding house or public or private hospital, asylum or eleemosynary or penal institution, any article, product or compound made wholly or partly out of any fat, oil, or oleaginous substance or compound thereof, not produced directly and at the time of manufacture from unadulterated milk or cream from the same, which article, product or compound shall be colored in imitation of butter or cheese produced from unadulterated milk or cream, or be made to resemble yellow butter in color, by what-

ever means the coloring is accomplished; *provided*, that nothing in this section shall be construed to prohibit the manufacture or sale, under the regulations hereinafter provided, of substances or compounds, designed to be used as an imitation or as a substitute for butter or cheese made from pure milk or cream from the same, in a separate and distinct form not resembling butter or cheese, and in such a manner as will advise the purchaser and consumer of its real character, free from coloration or ingredients that cause it to look like butter or cheese made from pure milk or cream, a product of the dairy.

(d) Each person, who by himself or another, lawfully manufactures any oleomargarine or any substance designed to be used as a substitute for butter or cheese, shall mark the same by branding, stamping or stenciling upon the top and sides of each tub, firkin, box or other package in which such article or substance shall be kept, and in which it shall be removed from the place where it is produced or put up, in a clear and durable manner, in the English language, the words, "oleomargarine," or "substitute for butter," or "substitute for cheese," as the case may be, in printed letters in plain roman type, each of which shall not be less than one inch in height by one-half inch in width, and in addition to the above shall prepare a statement, printed in plain roman type, of a size not smaller than pica, stating in the English language its name, and the name and address of the manufacturer, the name of the place where manufactured or put up, and also the names and actual percentages of the various ingredients used in the manufacture of such oleomargarine, imitation butter or imitation cheese; and shall place a copy of said statement within and upon the contents of each tub, firkin, box or other package, and next to that portion of each tub, firkin, box or other package as is commonly and most conveniently opened, and shall label the top and sides of each tub, firkin, box or other package by affixing thereto a copy of said statement, in such manner, however, as not to cover the whole or any part of said mark of, "oleomargarine," "substitute for butter," or "substitute for cheese." The absence of the markings and labelings specified in this paragraph, shall always be construed as representation that the contents of substance in question is butter, or cheese as the case may be.

(c) No person, by himself or another, shall knowingly ship, consign, or forward by any common carrier, whether public or private, any oleomargarine or any substance designed to be used as a substitute for butter or cheese, unless the same be marked and contain a copy of the statement, and be labeled as provided in paragraph (d) of this section: and no carrier shall knowingly receive the same for the purpose of forwarding or transporting unless it shall be manufactured, marked and labeled as hereinbefore provided, and unless it is consigned and by the carrier receipted for by its true name;

Labeling oleo-
margarines
and butter
and cheese
substitutes

Unlawful
to ship

provided, that this act shall not apply to any goods in transit between foreign states across the State of California.

Unlawful
to possess
or control.

(f) No person or his agent shall knowingly have in his possession or under his control any oleomargarine, or any substance designed to be used as a substitute for butter or cheese, unless the tub, firkin, box or other package containing the same shall be clearly and durably marked and labeled as provided by paragraph (d) of this section, and also contain a copy of the statement required by said paragraph (d) of this section; and if the tub, firkin, box or other package be opened, then a copy of the statement described in said paragraph (d) of this section, shall be kept with its face up, upon the exposed contents of said tub, firkin, box or other package; *provided*, that this section shall not be deemed to apply to persons who have the same in their possession for the actual consumption of themselves or family, and for no other purpose.

Unlawful
to sell,
take orders,
etc.

(g) No person, by himself or another, shall sell, or offer for sale, or take orders for the future delivery of any oleomargarine, or any substance designed to be used as a substitute for butter or cheese, under the name of butter, or under the pretense that the same is butter or cheese; and no person, by himself or another, shall sell any substance designed to be used as a substitute for butter or cheese, unless he shall inform the purchaser distinctly, at the time of the sale, of its true name and character, and that the same is a substitute for butter or cheese, as the case may be, and shall deliver to the purchaser at the time of the sale, a separate and distinct copy of the statement described in paragraph (d) of this section; and no person shall use in any way in connection or association with the sale, or exposure for sale, or advertisement of any oleomargarine or any substance designed to be used as a substitute for butter or cheese, the words, "butterine," "creamery," or "dairy" or the representation of a cow or any breed of dairy cattle, or any combination of such words and representations, or any other words or symbols, or combinations thereof, commonly used by the dairy industry, except only the labeling requirements described in paragraph (d) of this section.

Unlawful
use in eat-
ing places.

(h) No keeper or proprietor of any bakery, hotel, boarding-house, restaurant, saloon, lunch counter, or other place of public entertainment, and no person having charge thereof or employed thereat, and no person furnishing board, for others than members of his own family, and no employee where such board is furnished as the compensation or as a part of the compensation of any employee, shall place before any patron or employee, for use as food, any oleomargarine, or any substance designed to be used as a substitute for butter or cheese, unless the same be accompanied by a copy of the statement described in paragraph (d) of this section, and by a verbal notification to said patron that such substance is a substitute for butter or cheese.

Violation
bars certain
actions.

(i) No action can be maintained on account of any sale or other contract made in violation of, or with intent to violate,

this act, by or through any person, who was knowingly a party to such wrongful sale or other contract. Every person having possession or control of any oleomargarine, or any substance designed to be used as a substitute for butter or cheese, which is not marked as required by the provisions of this act, shall be presumed to have known, during the time of such possession or control, that the same was imitation butter, or imitation cheese, as the case may be.

(j) No person shall efface, erase, cancel or remove any mark, statement or label required by this act, with intent to mislead, deceive, or with intent to violate any of the provisions of this act. Tampering with labels.

(k) Whoever shall have possession or control of any imitation butter or imitation cheese or any oleomargarine, or any substance designed to be used as a substitute for butter or cheese, or any renovated butter, contrary to the provisions of this act, shall be construed to have possession of property with intent to use it as a means of committing a public offense, within the meaning of chapter three, of title twelve, or part two, of an act to establish a Penal Code; *provided*, that it shall be the duty of the officer who serves a bench warrant issued for imitation butter or imitation cheese, or oleomargarine, or any substance designed to be used as a substitute for butter or cheese, or any renovated butter, to deliver to the agent or inspector of the department of agriculture of the State of California, or to any person by such department of agriculture authorized in writing to receive the same, a perfect sample of each article seized by virtue of such warrant, for the purpose of having the same analyzed and forthwith to return to the person from whom it was taken the remainder of each article seized as aforesaid. If any sample be found to be imitation butter or imitation cheese, or oleomargarine, or a substance designed to be used as a substitute for butter or cheese, or renovated butter, it shall be returned to and retained by the magistrate as and for the purpose contemplated by section one thousand five hundred thirty-six of an act to establish a Penal Code; but if any sample be found not to be imitation butter or imitation cheese, or oleomargarine, and not a substance designed to be used as a substitute for butter or cheese, or renovated butter, it shall be returned forthwith to the person from whom it was taken. Possession with intent to violate law.

(l) No person, firm or corporation, by themselves, or their agents or employecs, shall sell, offer for sale, or expose for sale, or have in his, its or their possession for sale, any oleomargarine or any renovated butter, unless the same shall have printed upon each and every package, roll, print, square, and upon any container of such renovated butter, or oleomargarine, the words, "renovated butter," or the word, "oleomargarine," as the case may be, in letters not less than one-half inch in height, and who shall not have secured from the said department of agriculture a license as provided hereinafter. Sale of oleomargarine or renovated butter.

Renovated
butter.

(m) Renovated butter is the product made from impure or rancid butter reduced, for the purpose of cleansing and renovating, to a liquid state by melting and draining off the liquid milk fat and afterwards churning or otherwise manipulating it in connection with milk or any product thereof. Butter made from assembled cream made from pure milk fat (made from non-rancid butter) combined with other wholesome milk products, under special permit from the department of agriculture of the State of California, which otherwise conforms to the standards for butter required by this act, shall not be construed to be renovated butter.

License to
sell, etc.

(n) No person, firm or corporation, shall engage in the business or occupation of manufacturing, selling, dealing in, or furnishing renovated butter, oleomargarine, or any substance designed to be used as a substitute for butter, without first having applied for and obtained a license so to do, as hereinafter provided. Any person, firm or corporation, desiring to engage in the business or occupation of manufacturing, selling, dealing in or furnishing to his, its or their patrons, oleomargarine or any substance designed to be used as a substitute for butter, or imitation butter, or adulterated butter, or renovated butter, as in this section defined, shall first make application each year to the said department of agriculture for a license, and upon payment of a license fee of the amount mentioned herein to the said department of agriculture, said department of agriculture shall issue to the applicant a license. All such licenses shall contain the following proviso: *provided*, that this license does not authorize the holder thereof to manufacture, sell, deal in or furnish any oleomargarine, or similar substances designed to be used as a substitute for butter, which contain any coloring matter or which resemble yellow butter in appearance. All said licenses shall expire on the thirtieth of June of each year, and may be issued in periods of one year, or less than one year, upon payment of a proportionate part of the license fee. The fees for issuing said licenses are hereby fixed at the amounts named below annually. The fee for issuing said license to manufacturers of any of said substances within this state shall be one hundred dollars, and if issued to wholesale dealers in, or importers or agents for importers of any of said substances the fee shall be fifty dollars, and if issued to retail dealers in any of said substances the fee shall be five dollars, and if issued to the keeper of any hotel, restaurant, boarding-house or other place where meals are served and payment is received therefor, either immediately or by the day, week or month, the fee shall be two dollars. The term wholesale dealer as used in this section includes all persons, firms or corporations, who sell any of said substances in quantities of ten pounds or more at a time or in the same transaction. The term retail dealer includes all persons who sell only in quantities of less than ten pounds. All licenses, while in force, shall be kept conspicuously displayed in the place of business of the party or parties to whom they

have been issued. It shall be unlawful for any person, firm or corporation, to manufacture, buy, sell, deal in, or furnish to his, its or their patrons, or to have in possession, for any purpose whatsoever other than for consumption in his own family, or for transportation in case of a boat or railroad company, or for the purpose of storage in case of a warehouse or cold storage company, any oleomargarine, or similar substance designed to be used as a substitute for butter, or any substance resembling butter, but not made wholly from pure milk or cream, or renovated butter as in this section defined, without first having applied for and obtained from the department of agriculture of the State of California the license herein required.

(o) Every person, firm or corporation, who is required by the provisions of paragraph (n) of this section to obtain and hold a manufacturer's or wholesaler's or importer's license shall keep a correct record in a form separate from all other business, in which every sale and purchase of renovated butter, imitation butter, oleomargarine, or any substitute for butter or substance designed to be used as a substitute for butter, or resembling butter, which substance is not made wholly from pure milk or cream, or any imitation cheese or imitation dairy products of any kind, shall be recorded at the time of the transaction, giving in detail the quantity sold or purchased, the name and location of the buyer or seller, the date, and the place to which it was shipped or delivered, and by whom the order or sale was put up and delivered. Every warehouse, cold storage company, boat, railroad or other transportation company shall keep a correct record of all oleomargarine, imitation butter, renovated butter, substitute for butter, imitation cheese, or other imitation dairy products, which at any time may be in their possession, or which may be transported or stored by them, showing the owner, the quantity and kind of goods, the date when stored, and when removed, in case of warehouses and cold storage companies, and showing the character of goods billed, the quantity, the name and address of consignor and consignee, and the date of transportation, in case of boats and railroad companies. All said records herein required to be kept shall, at all times during business hours, be open to the inspection of the agents and inspectors of the said department of agriculture and of any officer of any city or county board of health, and of any peace officer of any city or county of the state. A failure to keep any of the records herein required to be kept or to permit the inspection of such records, by any inspector or agent of the said department of agriculture or of any city or county board of health, or by any peace officer of any city or county, as herein required, is hereby declared to be a misdemeanor and punishable as provided herein.

Records of
sales, ship-
ments, etc

(p) No imitation milk or cheese, and no oleomargarine shall be used in any of the charitable or penal institutions that receive assistance from the state.

Use in
state
institution.

Unsanitary
dairies.

SEC. 13. (a) A dairy shall be deemed insanitary within the meaning of this act in the following cases:

(1) If the pails, cans, bottles or other containers for milk or its products, or the strainers, coolers or other utensils, appliances, apparatus or equipment coming in contact with the milk or its products are not thoroughly washed and afterward sterilized by exposing them to water or water vapor at a temperature above one hundred seventy degrees Fahrenheit for a period of at least fifteen minutes or by boiling water or by superheated steam each and every time the same are used; or if the said containers, utensils, appliances or equipment after sterilization are not adequately dried and protected from flies and dust and all other contaminations; or if any of said containers, utensils, appliances or equipment shall be used for any purpose other than that of handling milk or the products of milk.

(2) If the udder, flanks, hind legs and tail of cows are not reasonably clean during milking.

(3) If the milk or cream is not protected from contamination by dust and flies.

(4) If the person or wearing apparel of the dairyman, his employees or other persons who handle the milk or its products are soiled or not washed with reasonable frequency, or if the hands of milkers are not clean during the entire period of milking.

(5) If the milk or cream is not cooled to as low a temperature as practicable within one hour after it is drawn from the cows, and kept as cool as conditions will permit until delivery to the plant or consumer.

(6) If a suitable milk house or room, properly screened to exclude flies and insects is not provided and maintained for the purpose of separating, cooling, mixing, canning and keeping, or otherwise caring for the milk or cream. Said milk house or room shall not be located in or be a part of any residence or dwelling house, or any barn or poultry house, and shall not be used for any other purpose whatsoever; and if any milk or cream shall be separated, cooled, mixed, canned or kept in any room or place which is occupied by any person or persons as a sleeping or living apartment, or occupied by horses, fowls, cows, hogs or other animals.

(7) If any urinal, privy vault, open cesspool, pig pen, stagnant water, accumulation of manure or other filth is permitted within one hundred feet of the milk house or room, or within fifty feet of any cow stables or stanchions or other place where milking is done.

(8) If to the interior of cattle stables, barns, milking sheds, milk house or room, an application of lime whitewash or paint is not made if in the judgment of an authorized inspector, it is needed.

(9) If the walls become soiled with manure, urine or other filth.

(10) If the yards or enclosures are filthy or insanitary, or if any part of such yards or enclosures, other than pastures,

are made the depositories of manure in heaps or otherwise, where it is allowed to ferment and decay.

(11) If the drinking water is stagnant, polluted with manure, urine, drainage, decaying vegetable or animal matter.

(12) If the feed is spoiled, or otherwise unfit for feeding cows for the production of milk.

(b) The dairy farm score card used for the official scoring of dairies in the State of California, shall be that established by the regulations adopted by the department of agriculture of the State of California as provided for in section twenty-one of this act.

SEC. 14. (a) A creamery or any factory of dairy products or any store, depot or other place where milk is handled or kept for sale, shall be deemed insanitary within the meaning of this act in the following cases:

Unsanitary
creameries.

(1) If milk or cream is received that has reached an advanced stage of fermentation, or that shows a state of putrefactive fermentation, or contains foreign substances detrimental to the quality of the manufactured product.

(2) If the utensils and apparatus that come in contact with milk or its products in the process of manufacture are not thoroughly washed and sterilized by means of boiling water or superheated steam, after each using, and if the cans or containers in which the milk or cream is received, transported or delivered are not thoroughly washed, sterilized and dried after emptying and before being sent out to be used again.

(3) If the floor is so constructed as to permit the flowing of water, milk or other liquids underneath or among the interstices of such floor, where fermentation and decay can take place, or if such floor can not be readily kept free from dirt.

(4) If drains are not provided that will convey refuse milk, water and sewage away to a point at least fifty yards distant from such creamery or factory of dairy products, or if any cesspool, privy vault, hog yard, slaughter house, manure or any decaying vegetable or animal matter shall be within a distance that will permit foul odors to reach any such creamery or other factory of dairy products or store or depot where milk or its products are sold or handled.

(5) If such creamery or factory of dairy products does not permit access of light and air sufficient to secure good ventilation.

(6) If in any building or buildings used in connection with any creamery, or factory of dairy products, any insects or other species of animal life are permitted, or if upon the floor or walls any milk or its products or any other filth is allowed to accumulate or ferment, or decay, or if the bodies or wearing apparel of persons employed, or coming in contact with any milk or its products in any creamery, or factory of any dairy products, are unclean and not washed from time to time with reasonable frequency, and if suitable toilet and lavatory facilities and clean towels are not provided for employees.

(b) The score cards used for the official scoring of factories of dairy products shall be those established by the regulations

adopted by the department of agriculture of the State of California as provided for in section twenty-one of this act.

Pasteuriza-
tion.

SEC. 15. (a) The process of pasteurization, as applied to milk, skim milk, cream and other milk products, is hereby defined to be a process for the elimination therefrom of organisms harmful to human beings, which process shall consist of uniformly heating such milk, skim milk or cream, as the case may be, to a temperature of not less than one hundred forty degrees Fahrenheit and of holding the same at a temperature between one hundred forty and one hundred forty-five degrees Fahrenheit, for a period of not less than thirty minutes, nor more than one hour, and immediately thereafter cooling the same to a temperature of not above fifty degrees Fahrenheit; *provided*, that when cream is pasteurized to be used and is used in the manufacture of butter; or when milk is pasteurized to be used and is used in the manufacture of cheese, and where the process of ripening or starting in each case is to be commenced immediately, then it shall not be required that such cream or milk be cooled to a lower degree than is necessary for such ripening or starting. Market milk shall not be heated for more than one hour nor above one hundred forty-five degrees Fahrenheit. Milk or cream that is to be manufactured into butter or cheese may be pasteurized by heating above one hundred forty-five degrees Fahrenheit, and when the same is uniformly heated to and held at a temperature above one hundred fifty-one degrees Fahrenheit, the time for holding may be decreased from thirty minutes by one minute for each degree of temperature above one hundred forty-five degrees Fahrenheit. If milk is repasteurized, it must not be sold for market milk.

Apparatus.

(b) All apparatus used for the pasteurization of milk, skim milk or cream shall be kept in strictly clean and sanitary condition and every pasteurizing plant shall be equipped with sufficient recording thermometer devices to accurately record the temperature to which, and the length of time for which the pasteurized product has been heated. All recording thermometer devices used in the pasteurization of any milk, skim milk or cream must be approved by and at all times subject to the approval of the department of agriculture of the State of California. All persons, firms or corporations using pasteurizing apparatus within the State of California shall date, preserve and keep on file for a period of not less than two months after the same are made, all records made by such thermometer, or in lieu of such preservation may deliver such records to any public officer authorized by law or ordinance to receive the same, and said records shall, at all times, be open to the inspection of the said department of agriculture, state board of health, and of all other state, county and municipal officers charged with the enforcement of laws and ordinances respecting dairy products or the public health.

Unlawful
sales.

(c) No person, firm or corporation shall sell, exchange or offer or expose for sale or exchange, or have in its possession for sale or exchange, any milk, cream, skim milk, ice cream,

butter, buttermilk, cheese, or other products of milk as and for pasteurized milk, cream, skim milk, ice cream, butter, buttermilk, cheese or other products of milk, as the case may be, nor use the word, "pasteurized," or any of its derivatives in connection with the sale, designation, advertising, labeling or billing of any milk, cream, skim milk, ice cream, butter, buttermilk, cheese or other milk products, unless the same and all products of milk contained therein or used in the manufacture thereof consist exclusively of milk, skim milk or cream which has been treated by the process of pasteurization as defined and regulated in this section.

SEC. 16. (a) Every person, firm or corporation, before regularly engaging in the business of receiving, manufacturing or processing milk or products of milk shall obtain a license to do so for each separate plant from the department of agriculture of the State of California. Upon receipt of an application for such license, the said department of agriculture shall investigate the equipment and the sanitary condition of the plant where milk or the products of milk are to be received, processed or manufactured and provide the applicant with a copy of the dairy laws of the state. If the condition of the plant is found to be satisfactory, a "factory license" shall be issued by said department of agriculture to such applicant upon receipt of a license fee of ten dollars (\$10.00). All factory licenses shall expire the thirty-first day of December of each year and may be renewed on the first of each successive year; *provided*, that such plant or the business thereof shall have been conducted in accordance with the requirements of this act during the next preceding year. Applications for renewal of said license shall be made within thirty days prior to the expiration of the year. The fee for the renewal of such license shall be one dollar for each one hundred thousand pounds of milk fat or part thereof, or each four hundred thousand gallons of milk or part thereof, purchased or received during the preceding fiscal year, ending the thirtieth day of June; *provided*, in no case shall the renewal fee exceed ten dollars. Any factory license may be suspended or revoked by the said department of agriculture for violation of this act, or amendments thereto, or for violation of the rules and regulations for its enforcement as provided for in section twenty-one of this act.

(b) All persons who shall test milk or cream purchased or received on the basis of the milk fat contained therein by any method or process, must first obtain and hold a license to do so from the department of agriculture of the State of California, said license to be known as a "tester's license." The said department of agriculture upon receipt of an application for such license, shall examine into the qualifications of the applicant and every applicant shall satisfy said department of agriculture of his qualification, and shall have a thorough knowledge of the provisions of the law with which he must comply and pay a fee of five dollars before any such license shall be issued. All such licenses shall expire the thirty-first

License to
manufacture
milk or
milk
products

Tester's
license.

day of December of each year and may be renewed on the first of each successive year, provided that all requirements of the law have been met by licensee during the next preceding year, and upon the payment of a renewal fee of one dollar. Applications for renewal of said license shall be made within thirty days prior to the expiration of the year. Any tester's license may be suspended or revoked by the said department of agriculture for violation, by the holder thereof, of this act or amendments thereto or the rules and regulations for its enforcement, as provided in section twenty-one of this act.

Weighting
and sampling
milk.

SEC. 17. (a) No person, firm or corporation shall fraudulently manipulate the measure, or weight or under-read, over-read or otherwise manipulate the test used for determining the per cent of milk fat in milk or cream, nor shall any person, firm or corporation take an unfair sample thereof on which a test is made, nor fraudulently manipulate such samples nor the records of any measurement, weight, or test, or combination thereof, upon which is based the payment for milk fat contained therein. A permanent record in duplicate of all tests of milk or cream purchased or received on the basis of the amount of milk fat contained therein, must be made by a tester, licensed by the department of agriculture of the State of California, on standard forms supplied by, or in accordance with the specifications for such records, adopted by the said department of agriculture. Each test shall be legibly recorded with indelible pencil or ink and shall be accompanied by the patron's name or number in such a manner as to correctly identify the test obtained upon the milk or cream of each patron. Each sheet or page shall be authenticated by the signature of the tester, licensed by the said department of agriculture, and a duplicate record shall be deposited by said licensed tester, immediately after completing the test on the day's samples, in a box provided by the purchaser or receiver of milk or cream, said box to be constructed, sealed and maintained in accordance with the rules and regulations adopted by the said department of agriculture as provided for in section twenty-one of this act. The original record shall be immediately delivered to the purchaser or receiver of said milk or cream, who shall retain said original record for a period of at least three months. The said licensed tester shall retain an unmodified sample of all milk or cream tested by him for a period of not less than forty-eight hours after tests of said milk or cream have been made and said purchaser or receiver of milk or cream shall provide a suitable place where such samples so retained may be kept and such place shall be acceptable to the said department of agriculture.

Records.

Testing
milk.

(b) In conducting the Babcock test the fat column in tests on milk in milk test bottles shall be read from the extreme bottom of the fat column to the top of the top meniscus; the fat column in tests on cream in cream test bottles shall be read from the extreme bottom of the fat column to the extreme bottom of the top meniscus (when such meniscus in the butter

fat is not destroyed by the use of a foreign liquid); or from the extreme bottom of the fat column to the plane of separation between the butterfat column and the overlying foreign liquid (when such meniscus in the butterfat column is destroyed by the use of a foreign liquid). The reading of the test shall be made when the temperature of the milk fat is between one hundred thirty-five and one hundred forty degrees Fahrenheit.

(c) All glassware, weights and scales used in determining the amount of milk fat in milk or cream purchased or received on the basis of the milk fat contained therein, shall be accurate and all Babcock glassware and scales so used shall be standard. All such glassware shall be examined by the department of agriculture of the State of California and, if found to be standard, each piece shall have a legible and indelible distinguishing mark placed upon it by the said department of agriculture. The term, "standard," shall apply to glassware and scales complying with the following specifications:

Weights
and
measures

(1) Milk test bottle. The total per cent graduation shall be eight. The graduated portion of the neck shall have a length of not less than sixty-three and five-tenths millimeters and the graduation shall represent whole per cent, five-tenths per cent and tenths per cent. The error in the total graduation or in any part thereof shall not exceed one-tenth of one per cent. The neck shall be cylindrical for at least five millimeters below the lowest and above the highest graduation mark.

Specifica-
tions.

(2) Fifty per cent nine gram long-neck cream test bottle. The total per cent graduation shall be fifty. The graduated portion of the neck shall have a length of not less than one hundred twenty millimeters. The graduation shall represent five per cent, one per cent and five-tenths per cent. The cylindrical part of the neck shall extend at least five millimeters below the lowest and above the highest graduation mark. Each bottle shall bear at the top of the neck above the graduations, in plain legible characters, a mark defining the weight of the charge to be used—nine grams. The error in the total graduation or in any part thereof, shall not exceed twenty-five hundredths of one per cent.

(3) Fifty per cent eighteen gram long-neck cream-test bottle. The total per cent graduation shall be fifty. The graduated portion of the neck shall have a length of not less than one hundred twenty millimeters. The graduation shall represent five per cent, one per cent and five-tenths per cent. The cylindrical part of the neck shall extend at least five millimeters below the lowest and above the highest graduation mark. Each bottle shall bear at the top of the neck above the graduations, in plain legible characters a mark defining the weight of the charge to be used—eighteen grams. The error in the total graduation or in any part thereof shall not exceed twenty-five hundredths of one per cent.

(4) Seventeen and six-tenths cubic centimeter pipette. The delivery tube shall have a length of one hundred to one hundred twenty millimeters and an outside diameter between four and five-tenths and five and five-tenths millimeters, and a straight nozzle. The delivery shall be seventeen and six-tenths milliliter of water at twenty degrees centigrade in five to eight seconds.

(5) Scales or balance. The scales or balance used in weighing cream samples into the test bottles shall have a sensibility of not more than thirty milligrams.

(d) No person shall use any other than standard glassware in determining the amount of milk fat in milk or cream purchased or received on the basis of the milk fat contained therein, which said glassware shall have been examined and marked in conformity with the provisions of this section. A fee of five cents shall be paid by the owner of said glassware to the department of agriculture of the State of California for every piece of glassware so examined, and said fee shall be used by the said department of agriculture to defray the cost of testing said glassware.

Inspected
standard
glassware
to be used.

Fee.

Containers
to be kept
sanitary and
in good
condition.

SEC. 18. Every person, firm or corporation, not a common carrier, who receives from a private or common carrier in cans, bottles, vessels or other containers, any milk, cream, ice cream, or other product of milk intended for human consumption, which has been transported over any railroad, or boat or freight line, or by other common or private carrier, which said cans, bottles, vessels or other containers, are to be returned to the manufacturer, distributor, consignor or shipper, shall cause the said empty cans, bottles, vessels or other containers to be thoroughly cleansed and sterilized by boiling water or superheated steam before return shipment of the same, and every private or common carrier before accepting such cans or containers to be returned to the manufacturer or distributor shall require that each container be plainly marked with the name and address of the person returning same. All milk bottles, cans or containers of any kind in which dairy products are kept, stored, transported or delivered shall be sound, smooth, free from rust, or open seams and at all times kept in a condition which will permit thorough cleansing of all surfaces with which the milk or its products comes in contact. Bottles, cans, tubs, cabinets, containers or other receptacles commonly used for the reception, storage or delivery of milk, cream, ice cream or other products of milk shall not be used as a receptacle for or storage place of any vegetables, fish, fowls, meats or other foodstuffs or refuse matter, bottles or filthy or offensive substances or for any other purpose than that for which it was originally intended. All empty cans, bottles, vessels or other containers delivered to the producer by the manufacturer, retailer, or distributor for the reception of dairy products, shall be kept by said producer in a clean, sanitary sterile condition and shall be used for no other purpose whatsoever. All empty cans, bottles, vessels or other containers delivered to the consumer by retailer or

distributor shall be thoroughly cleansed before returning the same to the retailer or distributor.

SEC. 19. (a) All wagons, vehicles or carts from which market milk, cream, butter, ice cream, buttermilk or ice milk are regularly sold, marketed, delivered or peddled, shall have the name and address of the owner plainly lettered thereon in letters at least three inches high, and one and a half inches wide, on both sides of such vehicle. All carriers of milk, cream or other products of milk, whether producer, gratuitous private carrier other than the producer, private carrier for hire, or common carrier, in transporting milk and cream shall maintain all cars, motor trucks, other vehicles or boats in a clean and sanitary condition.

Wagons to be labeled and kept sanitary.

(b) All vehicles, boats or conveyances, while transporting milk or cream or clean empty containers, intended for milk or cream, shall either be enclosed or provided with canvas covering or otherwise afford necessary protection from the direct rays of the sun and from the outside warm air and from dust, mud, rain, and other sources of contamination, when in the judgment of an authorized representative of the department of agriculture of the State of California, it is necessary. No milk or cream or other product of milk shall be transported in connection with or close to any other commodity from which it may absorb foreign flavors or which may contaminate it, and no milk or cream or empty containers used for milk or cream shall be hauled in any vehicle used for hauling manure, or garbage or in any other unclean vehicle, car or boat. All milk or cream cans or other shipping containers for products of milk shall be handled carefully and while containing milk, cream, or other products of milk, shall be kept right end up; *provided*, nothing herein shall be construed to derogate from any powers or authority of the Railroad Commission of the State of California.

Protection from sun, dust, etc.

(c) No carrier of milk, cream or other product of milk, whether gratuitous private carrier, private carrier for hire, or common carrier, shall receive or transport any milk or cream or product of milk after notification by an authorized representative of the department of agriculture of the State of California, that such product is unclean, polluted, tainted, unwholesome, stale, impure, or adulterated, or has been produced in violation of the provisions of this act.

Restrictions on transportation.

SEC. 20. The department of agriculture of the State of California is authorized under this act to gather and compile statistics relative to the dairy industry, and to disseminate the same and other information useful to the general good and development of the dairy industry of the state. The said department of agriculture shall provide blanks for reporting dairy statistics, and shall annually, on or before the first day of July of each year, cause to be mailed to each person, firm or corporation engaged in operating any creamery, cheese factory, ice cream or ice milk plant, milk condensory and market milk distributor when necessary, one or more of such blanks and each such person, firm or corporation shall, on or before

Dairy statistics.

Annual reports of creameries, market milk distributors, etc.

the first day of August following make out and transmit to said department of agriculture a full and accurate report of the amount of milk, cream, condensed or evaporated milk, butter, cheese, ice cream or other dairy products produced, purchased or manufactured or distributed during the fiscal year ending June thirtieth just preceding, and all milk or milk products plants purchasing milk and cream direct from farmers shall report a complete list of all persons from whom their product is obtained, giving the name and address, when ever possible, in each case.

Duties of department of agriculture.

SEC. 21. (a) It shall be the duty of the department of agriculture of the State of California to enforce the provisions of this act and the director of agriculture shall promulgate such rules and regulations as are incidental to the enforcement of the provisions and accomplishment of the purposes of this act.

Inspection of dairies, etc.

(b) The director of agriculture, through his agents or employees is hereby authorized to enter upon and inspect any dairy premises, creamery, cheese factory, ice cream factory, or other place where milk, cream or the products of milk of any kind are being produced, sold, handled, kept, transported, delivered, or used, or where they suspect that oleomargarine or substances designed to be used as a substitute for butter or imitation butter or imitation cheese or filled milk are being manufactured sold, kept, delivered, transported or stored in violation of any of the provisions of this act, and to take samples of dairy products, filled milk or oleomargarine from such premises. The director of agriculture shall cause posters to be placed in a conspicuous manner on dairies throughout the state indicating in a brief and simple manner the most fundamental requirements for the production of dairy products.

Tolerance in weights, etc.

(c) No tolerances in weights, measures, percentages of milk fat, moisture or any other measure or standard shall be permitted under or according to the provisions of this act, except where specific provisions are made in this act.

Condemnation of milk, etc.

(d) The director of agriculture, through his agents or employees is authorized to condemn any milk, cream, butter, cheese, or other product of milk which is found to be impure, unclean, unwholesome, stale or that is produced, or manufactured by or kept in an insanitary place, or that is adulterated, and shall have power to destroy or mark for identification with a non-toxic substance all condemned milk, cream or products of milk; *provided*, that no manufactured product of milk or cream may be destroyed without due notice to the owner thereof and a hearing before the director of agriculture of the State of California, or other officer especially designated by him.

Condemnation of containers.

(e) Containers found to be used in violation of the requirements of section eighteen of this act shall be condemned and marked with the word, "condemned," in an appropriate manner, and shall not be used again in connection with the handling of milk or the products of milk for human consumption until they have been cleaned or repaired in a manner

acceptable to an authorized representative of the department of agriculture of the State of California.

(f) It shall be unlawful for any person, firm or corporation to prevent or interfere with or to attempt to nullify in any way the work of the duly authorized representatives of the department of agriculture of the State of California or approved milk inspecting departments, or to interfere with or prevent any such representative from examining any records or books in the conduct of his official duty, or to prevent or interfere with such authorized representatives in the event they deem it advisable to secure samples of imitation milk, or products of milk or oleomargarine, or imitation butter or cheese or filled milk or any substance designed to be used as a substitute for milk or products of milk.

Interference
with
inspectors.

(g) The licenses issued in accordance with the provisions of section seventeen of this act, upon a hearing before the director of agriculture, of which the licensee shall have a written notice of the time and place of said hearing and the charges made against him, may be suspended or revoked by said director of agriculture if, after written notice, the licensee fails, after thirty days, to comply with the laws, rules and regulations under which the license was granted; *provided*, that no such thirty days' notice shall be required in cases of manipulation of the measures, weights, samples or tests for milk fat content of milk or cream upon which payment is based, or the records thereof.

Suspension
or revoca-
tion
of licenses.

(h) No prosecution based on a sample or samples of milk or products of milk shall be had, unless a duplicate of said sample or samples is left with the accused; *provided*, it shall not be required that samples taken in connection with the establishment of proof of fraudulent manipulation of the test for milk fat in milk or cream be given to the accused.

Prosecutions
based on
samples

(i) It shall be the duty of the district attorney of each and every county in this state, upon application of the department of agriculture of the State of California or its authorized representatives, to attend to the prosecution, in the name of the people, of any action brought for the violation of any of the provisions of this act within his county.

Duty of
district
attorney.

SEC. 22. (a) It shall be unlawful for any person, firm or corporation to violate any of the provisions of this act or amendments thereto, or the rules and regulations for its enforcement, or to operate a creamery or other factory of dairy products without a license as required in section sixteen of this act. Any person, firm or corporation who shall violate any of the provisions of this act, or the rules and regulations for its enforcement shall be guilty of a misdemeanor, punishable by fine of not less than twenty-five dollars nor more than five hundred dollars, or by confinement in the county jail not less than ten days nor more than ninety days, or by both such fine and imprisonment; *provided*, that persons who shall offer physical resistance or bodily attack on authorized representatives of the department of agriculture of the State of California, or of an approved milk inspecting department, engaged in

Offenses and
penalties

the proper conduct of his official duties, shall be guilty of a misdemeanor, punishable by confinement in the county jail for not less than ten days without the alternative of a fine in any case; and *provided, further*, that any person, firm or corporation who shall operate a creamery or other factory of dairy products where milk or products of milk are processed or manufactured without a license to do so, or after his or their license has been suspended or revoked by the said department of agriculture, shall be guilty of a misdemeanor and shall also be liable to pay to the State of California the sum of one hundred dollars for each and every day said person, firm or corporation shall operate such creamery or other factory of dairy products without such license. Said moneys to be recovered by an action at law, brought by the attorney general in the name of the State of California.

Construction
of act.

(b) The word, "person," as used in this act shall be construed to import both the singular and plural, as the case demands, and shall include individuals, partnerships, corporations, companies, societies and associations. When construing and enforcing the provisions of this act, the act, omission or failure of any employee, officer, agent or other person acting for or employed by any individual, partnership, corporation, company, society or association within the scope of his employment or office, shall in every case also be deemed to be the act, omission or failure of such individual, partnership, corporation, company, society or association, as well as that of the person. The provisions of this act shall be construed to apply to hotel keepers, restaurant keepers and boarding-house keepers or any person who shall serve meals and accept money therefor.

Constitution-
ality.

SEC. 23. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decisions shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, each section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more of the sections, sub-sections, sentences, clauses or phrases be declared unconstitutional.

In effect,
when.

SEC. 24. The provisions of this act shall become effective in the usual time provided by law, except paragraph (c) of section six, and section sixteen, which shall become effective the first day of January, 1924, A. D.

Stats 1911,
p 979,
repealed.

SEC. 25. An act to prevent the manufacture or sale of dairy products from unhealthy animals, or that are produced under unsanitary conditions; to prevent deception or fraud in the production and sale of dairy products; and in the manufacture and sale of renovated butter and oleomargarine; to license the manufacture and sale of renovated butter, and oleomargarine; to regulate the business of producing, buying and selling dairy products, oleomargarine, renovated or imitation butter and cheese; to provide for the enforcement of its provisions and for the punishment of violations thereof, and

appropriating money therefor and to repeal section seventeen of an act approved March 4, 1897, entitled "An act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor," and to repeal all acts and parts of acts inconsistent with this act, is hereby repealed; and all other acts or parts of acts in conflict herewith are hereby repealed.

CHAPTER 393.

An act to amend section four thousand two hundred sixty-five of the Political Code, relating to salaries, fees and expenses of officers in counties of the thirty-sixth class.

[Approved June 16, 1923.]

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

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

4265. In counties of the thirty-sixth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: Salaries and fees of officers.

1. County clerk and recorder, two thousand four hundred dollars per annum; *provided*, that in counties of this class, there shall be and there hereby is allowed to the county clerk and recorder one chief deputy who shall receive a salary of one thousand eight hundred dollars per annum, one deputy who shall receive a salary of one thousand two hundred dollars per annum, and one deputy who shall receive a salary of nine hundred dollars per annum, and in each year in which a new and complete registration of voters is required by law, he shall appoint as many deputy registration clerks as may be necessary for the convenient registration of the voters of the county, which deputy registration clerks shall receive as compensation for their services a sum of ten cents per name for each and every voter registered by them. County clerk.

2. Sheriff, two thousand four hundred dollars per annum; *provided*, that in counties of this class, there shall be and hereby is allowed to the sheriff, one under-sheriff, whose salary is hereby fixed in the sum of one thousand eight hundred dollars per annum, one deputy whose salary shall be one thousand five hundred dollars per annum. The sheriff also may appoint not to exceed three deputies at a salary of fifty dollars per month each, subject to the approval of the board of supervisors. Sheriff.

3. Auditor, two thousand dollars per annum; *provided*, that there is hereby allowed to the auditor one deputy who shall receive a salary of one thousand five hundred dollars per annum, and one additional deputy for not more than two months in each year who shall receive one hundred dollars per month. The sum of not to exceed one hundred sixty-five dollars per annum is appropriated for the use of the auditor Auditor.

in publishing an annual financial statement of the financial transactions of the county.

Treasurer
and tax
collector.

4. Treasurer and tax collector, two thousand dollars per annum; one deputy at a salary of one thousand five hundred dollars per annum; one deputy at a salary of nine hundred dollars per annum; additional deputies at a salary of seventy-five dollars per month, not to exceed in the aggregate seven hundred fifty dollars in any year.

Assessor.

5. Assessor, two thousand dollars per annum; one deputy at a salary of one thousand eight hundred dollars per annum; one deputy for six months in each year at a salary of one hundred fifty dollars per month; two field deputies each for four months in each year at salaries of one hundred fifty dollars per month each, and their traveling expenses, and one deputy for not to exceed three months in each year at a salary of one hundred twenty-five dollars per month.

District
attorney.

6. District attorney, one thousand five hundred dollars per annum; one deputy at a salary of nine hundred dollars per annum; one stenographer at a salary of one thousand twenty dollars per annum.

Coroner.

7. Coroner, such fees as are now or may be hereafter allowed by law.

Public ad-
ministrator.

8. Public administrator, such fees as are now or may be hereafter allowed by law.

Superintend-
ent of
schools.

9. Superintendent of schools, one thousand eight hundred dollars per annum; one deputy at a salary of one thousand two hundred dollars per annum.

Surveyor.

10. Surveyor, two thousand dollars per annum. The surveyor shall be entitled to receive all necessary expenses while engaged in doing county work outside of his office. The surveyor shall be allowed such assistants as he may need at a compensation not to exceed nine hundred dollars per annum.

Justices
of the
peace.

11. Justices of the peace shall each receive the following monthly salaries, to be paid each month, and in the same manner and out of the same funds as county officers, are paid, which shall be in full for all services performed by them in their official capacities:

In townships having a population of five thousand or more, fifty dollars per month;

In townships having a population of four thousand, and less than five thousand, forty dollars per month;

In townships having a population of three thousand, and less than four thousand, thirty dollars per month;

In townships having a population of two thousand, and less than three thousand, twenty dollars per month;

In townships having a population of less than two thousand, ten dollars per month.

Constables.

12. Constables shall each receive the following monthly salaries, to be paid each month, and in the same manner and out of the same funds as county officers, are paid, which shall be in full for all services performed by them in their official capacities:

In townships having a population of five thousand or more, fifty dollars per month;

In townships having a population of four thousand, and less than five thousand, forty dollars per month.

In townships having a population of three thousand, and less than four thousand, thirty dollars per month;

In townships having a population of two thousand, and less than three thousand, twenty dollars per month;

In townships having a population of less than two thousand, ten dollars per month.

13. For the purpose of fixing the salaries of justices of the peace and of the constables the population of the several judicial townships of the county shall be ascertained as follows:

By multiplying the registered vote in each township as shown by the great register for the last preceding presidential election by two and one-half.

14. The salary of each supervisor as supervisor and road commissioner, shall be five dollars per day. The supervisors shall receive as mileage, fifteen cents per mile for one way from the place of residence to the place of meeting for each regular session of the board of supervisors. Supervisors.

15. The salary of the horticultural commissioner as horticultural commissioner shall be five dollars per day, and not to exceed one thousand dollars in any one year, in full compensation for his services, including traveling expenses; *provided*, that competent deputies may be employed to assist him in his duties, at four dollars per day, not to exceed four hundred dollars in any one year. Said deputies must be regularly qualified by having passed an examination. Horticultural commissioner.

16. The salary of the county physician as county physician and health officer shall be one hundred dollars per month in full for all services and personal expenses incurred. County physician.

17. Probation officer, one thousand two hundred dollars per annum, and he shall be allowed such necessary and incidental expenses incurred in the performance of his duties as are required by any laws of the State of California and may be authorized by the judge of the juvenile court, and the same shall be a charge upon the county, and said expense shall be paid out of the county treasury upon the written order of the judge of the juvenile court, directing the county auditor to draw his warrant on the county treasurer for the specific amount of such expenses. The probation officer shall keep a list of expenses and file a copy monthly with the county board of supervisors. Probation officer.

18. The fees of grand jurors and trial jurors in the superior court shall be three dollars per day for each day's attendance and mileage, to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor on the written order of the judge of the court in which the juror was in Jurors.

attendance, and the treasurer of said county shall pay such warrants.

Applicable
to present
incumbents.

19. The provisions of this act in relation to compensation, deputies, fees and expenses, are hereby found as a fact to work no increase in the compensation of county officers, and shall apply to the present incumbents.

CHAPTER 394.

An act to amend section four thousand two hundred thirty-seven of the Political Code, relating to the salaries, fees and expenses of officers in counties of the eighth class.

[Approved June 10, 1923.]

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

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

Salaries
and fees
of officers.

4237. In counties of the eighth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

1. The county clerk, three thousand six hundred dollars per annum.

2. The sheriff, four thousand five hundred dollars per annum. The sheriff shall also be allowed his actual, reasonable and necessary expenses in all civil and criminal cases.

3. The recorder, three thousand six hundred dollars per annum.

4. The auditor, three thousand six hundred dollars per annum.

5. The treasurer, two thousand six hundred dollars per annum.

6. The tax collector, one thousand nine hundred dollars per annum.

7. The assessor, four thousand dollars per annum. The assessor shall receive his actual, reasonable and necessary expenses while engaged in his official duties in the field.

8. The district attorney, four thousand dollars per annum; *provided*, that in counties of this class the district attorney in addition to the salary herein fixed, shall be allowed his traveling and other personal expenses incurred in criminal cases arising in the county and in civil actions and proceedings in which the county is interested, and all other expenses necessarily incurred by him in the detection of crime and the prosecution of criminal cases, and in civil actions and proceedings and all other matters in which the county is interested, all of which said charges and expenses incurred by him shall be a legal charge against the county.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, three thousand three hundred dollars per annum; *provided, however,* that in counties of this class the superintendent of schools in addition to the salary herein fixed shall be allowed ten dollars per school district for traveling expenses where he shall have visited each school of said district in the county during any one calendar year.

12. The surveyor, three thousand six hundred dollars per annum; and actual, reasonable and necessary expenses when engaged in the field, or in the office in the discharge of his official duties in the county.

13. Justices of the peace shall receive the following salaries for all services rendered by them, payable in the same manner as county officers are paid, viz: In townships having a population of twenty thousand or more, two hundred fifty dollars per month; in townships having a population of not less than five thousand nor more than twenty thousand, one hundred dollars per month; in townships having a population of not less than three thousand, nor more than five thousand, sixty dollars per month; in townships having a population of not less than two thousand nor more than three thousand, forty-five dollars per month; in townships having a population of not less than one thousand four hundred nor more than two thousand, thirty-five dollars per month; in all townships having a population of less than one thousand four hundred, twenty-five dollars per month; *provided,* that for the purposes of this section the population of the several townships shall be ascertained by multiplying the number of registered voters at the last general election by three and one-half. The compensation herein fixed for justices of the peace shall be in full for all services rendered and all fees collected by them shall be paid into the county treasury as provided by law. In townships having a population of twenty thousand or more, the justice of the peace shall be allowed a clerk, which position is hereby created. Such clerk shall be appointed by the justice of the peace of said township, and shall hold office during the pleasure of said justice of the peace. Said clerk shall give a bond in the sum of three thousand dollars, with at least two sureties to be approved by a judge of the superior court of the county in which said township is situated, conditioned for the faithful discharge of the duties of the office; and he shall receive an annual salary of one thousand five hundred dollars. The justice's clerk shall keep a record of the proceedings of the said court, and shall issue all process ordered by the court, and shall collect and receive all fines and forfeitures in criminal cases and pay the same, to the authorities legally entitled to receive the same, at the time and in the manner provided by law. He shall prepare bonds, justify bail when the amount has been fixed by the court, and shall have authority to administer and certify oaths and take and certify affidavits in any action, suit or proceedings in said justice's court. The

clerk shall be in attendance on the court in the courtroom of said justice's court for the dispatch of official business, daily, legal holidays excepted, from the hour of nine o'clock a.m. until five o'clock p.m. and during such reasonable times thereafter as may be necessary for the proper performance of his duties.

Constables.

14. Constables shall receive the following salaries for all services rendered by them in criminal cases, payable monthly in the same manner as county officers are paid, viz: In townships having a population of five thousand or more one hundred dollars per month; in townships having a population of not less than three thousand nor more than five thousand, fifty dollars per month; in townships having a population of not less than two thousand nor more than three thousand, forty-five dollars per month; in township having a population of not less than one thousand four hundred, nor more than two thousand, thirty-five dollars per month; in all townships having a population of less than one thousand four hundred, twenty-five dollars per month. Constables in counties of this class shall also receive for their own use and benefit such fees as are now or may be hereafter allowed by law for mileage in criminal cases and shall also receive such fees as are now or may hereafter be allowed by law in civil cases. Such mileage in criminal cases is intended to cover the ordinary expenses of constables, and other than such mileage, they shall be allowed the following expenses and no other, to wit: In criminal, insane, inebriate and drug habitue cases, the actual, reasonable and necessary cost of transporting prisoners to and from the county jail; of supporting such prisoners while in their custody; of pursuing criminals when a felony has been committed within their township and no warrant has been issued, whether an arrest has been made or not; of transporting inebriates, drug habitues and insane persons from the justice's court to the place of detention and from the place of detention to the superior court, and from the superior court to the insane asylum, but no mileage shall be allowed for such transportation to the place of detention, to the superior court, or to the insane asylum.

Supervisors.

15. Each member of the board of supervisors, one thousand two hundred dollars per annum, and their necessary expenses when attending to the business of the county, other than the meetings of the board; and fifteen cents a mile in traveling to and from his residence to the county seat; *provided*, that not more than one mileage at any one term of the board shall be allowed.

Official bonds.

16. The bonds of the clerk, sheriff, recorder, auditor, treasurer, tax collector, assessor, district attorney, coroner, public administrator, surveyor and superintendent of schools, justice of the peace, constable and clerk of the justice of the peace shall be executed with a reliable bond and security company, and the cost of said bond when duly approved, shall be a charge against the county, and payable out of the general fund.

17. The county clerk shall have one chief deputy at a salary of two thousand four hundred dollars per annum; three courtroom deputies at a salary of one thousand eight hundred dollars per annum each; three office deputies at a salary of one thousand five hundred dollars per annum each; one judgment clerk at a salary of one thousand five hundred dollars per annum; one deputy who shall act as clerk to the board of supervisors at a salary of one thousand eight hundred dollars per annum; one deputy who shall act as assistant clerk to the board of supervisors at a salary of one thousand five hundred dollars per annum; and a deputy or deputies not to exceed fifteen for the purpose of registering electors and performing all duties pertaining to elections who shall be paid not to exceed five dollars per diem each; also a deputy or deputies to register electors outside of the county seat who shall receive a compensation of ten cents for each elector registered and who shall receive no other compensation or expenses.

Deputies to,
County
clerk.

The county recorder, one first assistant at a salary of two thousand one hundred dollars per annum; one second assistant at a salary of one thousand eight hundred dollars per annum; two comparing clerks and one index clerk at a salary of one thousand five hundred dollars per annum each; five deputies at a salary of one thousand five hundred dollars per annum each; the recorder may hire necessary assistants in cases of emergency and at a salary not to exceed five dollars per diem each, but the aggregate pay of such assistants for such work shall not exceed two thousand four hundred dollars in any one calendar year.

Recorder.

The treasurer, one chief deputy at a salary of two thousand seven hundred dollars per annum; one deputy at a salary of two thousand one hundred dollars per annum; one deputy at a salary of one thousand nine hundred twenty dollars per annum; two deputies at a salary of one thousand eight hundred dollars per annum each; one deputy who shall be employed in the capacity as a cashier and serve for a period of not to exceed six months in any one calendar year and shall receive therefor the sum of one hundred fifty dollars per month; one deputy who shall be employed in the capacity of draftsman and who shall serve for a period not to exceed four months in any one calendar year and who shall receive therefor the sum of one hundred fifty dollars per month; and such emergency deputy or deputies as shall be required and who shall receive for his or their services a sum not to exceed five dollars per diem each; *provided, however,* that the aggregate pay of such emergency deputy or deputies shall not exceed in any one calendar year the sum of four thousand dollars.

Treasurer.

The county auditor, one chief deputy at a salary of two thousand one hundred dollars per annum; one second deputy at a salary of one thousand six hundred twenty dollars per annum; one third deputy at a salary of one thousand five hundred dollars per annum; the auditor may hire necessary assistants for the purpose of extending taxes and in cases

Auditor.

of emergency at a salary not to exceed five dollars per diem each; *provided*, that the aggregate salaries of such assistants shall not exceed the sum of one thousand dollars in any one calendar year.

District
attorney.

The district attorney, an assistant district attorney at a salary of three thousand dollars per annum; two deputy district attorneys at a salary of two thousand one hundred dollars per annum each; one shorthand reporter at a salary of two thousand four hundred dollars per annum; one secretary at a salary of one thousand five hundred dollars per annum; two stenographers at a salary of one thousand two hundred dollars per annum each.

Superintendent
of
schools.

The superintendent of schools, one first deputy at a salary of one thousand eight hundred dollars per annum; one second deputy at a salary of one thousand five hundred dollars per annum; and an emergency deputy or deputies who shall be paid, not to exceed five dollars per diem each; *provided*, that the aggregate pay of said emergency deputy or deputies shall not exceed two thousand dollars in any one calendar year.

Sheriff.

The sheriff, an undersheriff who shall receive a salary of two thousand four hundred dollars per annum; a chief deputy who shall receive a salary of one thousand eight hundred dollars per annum; a stenographer and clerk who shall receive a salary of one thousand six hundred eighty dollars per annum; two deputy sheriffs for service in the field who shall receive a salary of one thousand six hundred eighty dollars per annum each; one deputy sheriff who shall be employed as superintendent of identification and who shall receive a salary of one thousand nine hundred twenty dollars per annum; three bailiffs or courtroom deputies who shall receive a salary of one thousand six hundred twenty dollars per annum each; three jailers who shall receive a salary of one thousand six hundred twenty dollars per annum each; one motorboat deputy who shall receive a salary of one thousand six hundred eighty dollars per annum; one deputy sheriff for serving papers, and for emergencies who shall receive a salary of one thousand five hundred dollars per annum; one deputy sheriff for emergency and as a guard for the working prisoners who shall receive a salary of one thousand five hundred dollars per annum; two deputy sheriffs who shall be employed as traffic officers who shall receive one hundred forty-five dollars per month each and who shall each furnish, operate and maintain a suitable motorcycle or automobile for the use of which he shall receive such reasonable sums as may be authorized and allowed by the board of supervisors for miles actually traveled in such vehicle in the performance of his duties; *provided, however*, that the amounts allowed for the use of any such vehicle shall not exceed fifteen cents a mile, and that he shall keep and file with the board of supervisors a daily report of the particular road or roads and the exact portion thereof patrolled by him including the names of all parties arrested by him and the specific nature of any violation of the law and the approximate hour of arrests made.

The coroner, one deputy who shall be paid by the coroner ^{Coroner} out of his fees.

The county assessor shall have one chief deputy at a salary ^{Assessor.} of two thousand four hundred dollars per annum; one draftsman at a salary of two thousand four hundred dollars per annum; one chief office deputy at a salary of two thousand one hundred dollars per annum; one office deputy at a salary of one thousand eight hundred dollars per annum; one stenographer and copyist at a salary of one thousand two hundred dollars per annum; one utility and valuation deputy for inside work who shall serve not to exceed one hundred fifty days in any one calendar year and for which service he shall be paid at the rate of five dollars per diem; three deputies to be employed in preparing assessment rolls who shall serve not to exceed one hundred thirty days each in any one calendar year, and be paid therefor at the rate of five dollars per diem each; one deputy to be employed in assessing automobiles and who shall serve not to exceed eighty days in any one calendar year and be paid therefor at the rate of five dollars per diem; one utility and valuation clerk for outside work who shall serve not to exceed eighty days in any one calendar year and be paid therefor at the rate of seven dollars per diem; *provided, however,* that such deputy shall furnish at his own expense necessary automobile transportation while so employed; three field deputies for service inside the city of Stockton who shall serve not to exceed one hundred days each in any one calendar year and be paid therefor five dollars per diem each; *provided,* that such deputy shall each furnish at his own expense necessary automobile transportation while so employed; and an emergency deputy or deputies, at a salary of five dollars per diem each, which said emergency deputy or deputies shall not receive more than one thousand dollars in the aggregate in any one calendar year.

The county surveyor, one chief deputy who shall be paid ^{Surveyor} a salary of two thousand one hundred dollars per annum. One draftsman who shall be paid a salary of one thousand eight hundred dollars per annum.

All the deputies, assistants, employees, emergency help and clerks hereinbefore mentioned shall perform in addition to the duties herein enumerated such other duties as their respective principals shall require, and they shall be paid out of the salary fund at the same time and in the same manner as the principals are paid: *provided, however,* that allowances for use of motor vehicle by deputy sheriffs employed as traffic officers shall be made on claims against the county and paid by the board of supervisors as other claims are paid.

18. The salaries, fees, mileage and commissions herein ^{Payment} provided shall be in full for all official services performed. ^{of salaries.} No county, district or township officer shall receive from the

Disposition of fees, etc.

county any salary, compensation, fees, commission or mileage, except as in this section provided. All compensation, commissions, fees and mileage now or hereafter provided by law to be paid to any county, district or township officer for any official service, except as in this section otherwise provided, shall be paid into the county treasury to the credit of the general fund, unless some other fund is especially designated by law. All compensations, fees, commissions, and mileage, except as in this section otherwise provided, received by any county, district or township officer, either as such officer, or as the agent of the State of California, or of any officer thereof, or as the agent of any political subdivision of the State of California, or of any officer thereof, shall be paid into the county treasury to the credit of the general fund, unless some other fund is specially designated by law. Until such county, district or township officer shall pay into the county treasury all compensation, commissions, fees and mileage as herein required to be paid, he shall receive no salary, and it shall be the duty of the auditor to refuse to deliver to him thereafter a salary warrant, and it shall be the duty of the treasurer to refuse to pay the same.

Jurors fees.

19. For attending as a grand juror or as a juror in superior court, for each day's attendance per day, three dollars. For each mile actually traveled in attending court as a juror in going, only, per mile, twenty-five cents.

Effect of act.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 395.

An act to amend section four thousand two hundred seventy-seven of the Political Code, relating to salaries and fees of officers in counties of the forty-eighth class.

[Approved June 16, 1923.]

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

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

Salaries and fees of officers.

County clerk.

4277. In counties of the forty-eighth class, the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries and fees, to wit: 1. The county clerk, one thousand five hundred dollars per annum and such fees for services in naturalization proceedings as by act of congress, in such case made and provided, it is said he may retain; and also such

other fees as he may be allowed by the law of this state to retain; *and provided*, that in each year when a new registration is required he shall receive in addition to his salary the sum of ten cents for each elector registered, which amount shall be allowed by the board of supervisors at the close of registration preceding a general election, and paid from the general fund of the county; *and provided, further*, that in counties of this class there shall be and is hereby allowed to the county clerk a deputy, who shall be appointed by the county clerk, who shall be paid a salary of one hundred twenty-five dollars per month, said salary to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid; *and provided, further*, that in counties of this class there shall be and is hereby allowed to the county clerk a copyist, for service in his office which office of copyist for the county clerk is hereby created, said copyist to be appointed by the county clerk and said copyist shall receive as compensation for his services the sum of nine hundred dollars per annum, to be paid out of the county treasury in equal monthly installments in the same manner and at the same time as other county officers are paid. The changes effected by this subdivision shall apply to the incumbents.

2. The sheriff, four thousand two hundred dollars per annum, and mileage for the services of papers or process served by him in all civil cases from any court, also necessary expenses for pursuing criminals or transacting any criminal business. Sheriff.

3. The recorder, one thousand eight hundred dollars per annum, and all fees and commissions allowed by law to the registrar for preparing vital statistics for the State of California and also the sum of twenty-five dollars per annum for preparing the abstract of mortgages for use of the county assessor as required by law; *provided*, that in counties of this class there shall be, and is hereby allowed to the recorder a deputy to be appointed by him and who shall receive a salary of nine hundred dollars per annum, said salary to be paid by said county in equal installments at the same time and in the same manner as the salary of the recorder is paid. Recorder.

4. The auditor, nine hundred dollars per annum and five per cent of all amounts to have been paid out by the county for state aid as per his report as contemplated by section four thousand ninety-nine *a* of the Political Code of this state or other law providing for such compensation. Auditor.

5. The treasurer, one thousand eight hundred dollars per annum; and such fees and commissions as now are, or hereafter may be allowed by law. Treasurer.

6. Tax collector, five hundred dollars per annum and such fees as now are or hereafter may be allowed by law.

7. The assessor, three thousand five hundred dollars per annum and such fees as now are or hereafter may be allowed by law.

8. The district attorney, one thousand eight hundred dollars per annum.

9. The coroner, such fees as are now, or hereafter may be allowed by law.

10. The public administrator, such fees as are now, or hereafter may be allowed by law.

11. The superintendent of schools, one thousand eight hundred dollars per annum, and actual traveling expenses when visiting the schools of his county and also the sum of five dollars per day for his services as secretary of the board of education for the actual time that the board may be in session.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

Classification
of town-
ships.

13. For the purpose of regulating the compensation of justices of the peace, the townships of counties of this class are hereby classified according to population, as follows:

Townships having a population of two thousand five hundred or more shall belong to and be known as townships of the first class; townships having a population of one thousand two hundred and less than two thousand five hundred shall belong to and be known as townships of the second class; townships having a population of less than one thousand two hundred shall belong to and be known as townships of the third class.

For the purpose of this section, the population of the several judicial townships shall be ascertained by the board of supervisors, by multiplying by three the number of registered voters in each township at the last general election.

Justices of
the peace.

14. Justices of the peace shall receive the following salaries: In townships of the first class, the sum of nine hundred dollars for the period beginning with the date upon which this act becomes effective and ending December 31, 1923, and thereafter a salary of nine hundred dollars per annum; in townships of the second class, the sum of two hundred forty dollars for the period beginning with the date upon which this act becomes effective and ending December 31, 1923, and thereafter a salary of two hundred forty dollars per annum; in townships of the third class, the sum of twelve dollars for the period beginning with the date upon which this act becomes effective and ending December 31, 1923, and thereafter a salary of twelve dollars per annum.

Such salaries shall be paid in the same manner and out of the same fund as the salaries of county officers are paid and shall be compensation in full for all services rendered.

Constables.

15. Constables, such fees as are now or may hereafter be allowed by law.

Supervisors.

16. Each member of the board of supervisors, nine hundred dollars per annum and twenty cents per mile for traveling from his residence to the county seat, also his actual necessary expenses while acting as ex officio or as overseer or commissioner, not to exceed three hundred dollars in any one year.

17. Each member of the board of education shall receive five dollars per day as compensation for his services while in actual attendance upon said board, and mileage at the rate of twenty cents a mile one way only, from his residence to the place of meeting of said board. Said compensation of the members of said board shall be paid out of the same fund as the salary of the superintendent of schools is paid. Claims for such service and mileage shall be presented to the board of supervisors and shall be allowed at the rate above named in the same manner as other claims against the county are allowed. The compensation of the members of the county board of education herein provided for is not in addition to that provided in section one thousand seven hundred seventy of this code.

Board of Education.

18. The county traffic officer, one thousand eight hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the county traffic officer one deputy, which office is hereby created. Said deputy shall be appointed by said county traffic officer and shall receive a salary of one thousand five hundred dollars per annum, which shall be paid by said county in monthly installments at the same time, in the same manner and out of the same funds as the salary of the county traffic officer is paid. Said county shall provide motorcycles or other vehicles for said traffic officer and his deputy and provide gasoline and oil for the purpose of propelling the same and shall pay all of the expense of the upkeep of said machines. All the provisions of this paragraph are to apply to the office of county traffic officer and his deputy whenever said office of county traffic officer is created by law.

Traffic officer.

19. In the superior court, jurors' fees, and witnesses' fees in criminal cases shall be allowed as follows:

Jurors and witnesses.

For attending as a grand juror, for each day's attendance, three dollars, and fifteen cents per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such juror for said per diem and mileage and the treasurer shall pay the same.

For attending as a trial juror in criminal cases, for each day's actual attendance, three dollars, and fifteen cents per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such juror for said per diem and mileage and the treasurer shall pay the same.

For attendance as a witness in criminal cases, for each day's attendance the sum of two dollars, and fifteen cents per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such witness for said per diem and mileage, and the treasurer shall pay the same; *provided, however*, that in criminal cases such per diem and mileage shall only be allowed upon a showing to the court by the witness, that the same are a necessary expense of the

witness in attending, and the court shall determine the necessity for the same, and may disallow any fees to a witness unnecessarily subpoenaed.

CHAPTER 396.

An act to provide for probation officers in counties of the eighth class, and fixing their salaries.

[Approved June 16, 1923.]

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

Counties of
8th class,
salary of
probation
officers.
(see Stats.
1921, p.
39.)

SECTION 1. In counties of the eighth class there shall be a chief probation officer whose salary shall be the sum of one hundred fifty dollars per month; two assistant probation officers whose salaries shall be the sum of one hundred dollars per month each, and two assistant probation officers whose salaries shall be seventy-five dollars per month each.

CHAPTER 397.

An act making an appropriation for improvements, including repairs and equipment at the University of California.

[Approved June 16, 1923.]

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

Appropriation: repairs and equipment at university.

SECTION 1. The sum of ninety thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for improvements including repairs and equipment of the University of California and to be expended for that purpose by the regents of the University of California. The money herein appropriated shall be subject to audit by the board of control after expenditure by the regents of the University of California and shall be exempt from the provisions of section six hundred eighty-three of the Political Code.

CHAPTER 398.

An act to increase the number of judges of the superior court of the State of California, in and for the county of Sacramento, to provide for the appointment of an additional judge and for his compensation.

[Approved June 16, 1923.]

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

Judges for Sacramento county.

SECTION 1. The number of judges of the superior court of the State of California, in and for the county of Sacramento, is hereby increased from three to four.

SEC. 2. Within ten days after the taking effect of this act, the governor shall appoint one additional judge of the superior court of the State of California, in and for the county of Sacramento, who shall hold office until the first Monday after the first day of January, A. D. one thousand nine hundred twenty-five. At the general election to be held in November, A. D. one thousand nine hundred twenty-four, a judge of the superior court of said county shall be elected in said county who shall be successor to the judge appointed hereunder to hold office for the term prescribed by the constitution and by law.

Apportionment and election of additional judge.

SEC. 3. The salary of said additional judge shall be the same in amount and shall be paid at the same time and in the same manner as the salary of the other judges of said superior court now or hereafter authorized by law.

Salary.

CHAPTER 399.

An act to add a new section to the Political Code, to be numbered seven hundred thirty-seven p, relating to salaries of judges of the superior court in Stanislaus county.

[Approved June 16, 1923.]

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

SECTION 1. A new section is hereby added to the Political Code to be numbered seven hundred thirty-seven p, and to read as follows:

737p. The salaries of the judges of the superior court in the county of Stanislaus are five thousand dollars each; one-half of which shall be paid by the state and the other half thereof by the county for which the judge is elected.

Salaries of superior judges of Stanislaus county.

CHAPTER 400.

An act to amend section nineteen x thirty-two of an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913,

and all amendments thereof, and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, approved June 2, 1921, as amended, relating to juvenile courts.

[Approved June 16, 1923.]

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

Stats 1921,
p. 1126,
amended.

SECTION 1. Section nineteen and thirty-two of an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes: and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith; approved June 5, 1915, as amended, approved June 2, 1921, is hereby amended to read as follows:

Counties of
32d class,
salary of
probation
officer.

Sec. 19,32. In counties of the thirty-second class, there shall be one probation officer, whose salary shall be one hundred fifty dollars per month. In counties of the thirty-second class the probation officer shall perform, in addition to his duties as probation officer, the duties of investigator for the board of supervisors on applications for county and state aid, without any additional compensation, except his necessary expenses and mileage, not to exceed three hundred dollars per annum.

CHAPTER 401.

An act to amend section four thousand two hundred thirty-three of the Political Code, relating to salaries, fees and expenses of officers in counties of the fourth class.

[Approved June 16, 1923.]

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

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

Salaries
and fees
of officers.

4233. In counties of the fourth class the county officers shall receive as compensation for the services required of them

by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, four thousand six hundred dollars County clerk. per annum; he shall have three deputies at a salary of two thousand four hundred dollars each per annum; four deputies at a salary of one thousand nine hundred twenty dollars each per annum; five deputies at a salary of one thousand eight hundred dollars each per annum; two deputies at a salary of one thousand five hundred dollars each per annum; one deputy at a salary of one thousand nine hundred seventy dollars per annum. He shall also have three additional deputies for a period of not to exceed ten months during each and every even numbered year at a salary of five dollars per day each during their said employment, and four deputies for a period of not to exceed six months during each and every even numbered year, such deputies to receive a salary of five dollars per day each during their said employment, and also for such even numbered years he shall appoint such deputies in the county as are necessary for the purpose of registering the electors, such deputies to receive five cents for each elector legally registered by them. The county clerk shall pay into the county treasury at the close of each month all fees received by him as county clerk during the month, accompanied by a statement of the sources from whence received.

2. The sheriff, six thousand dollars per annum; he shall Sheriff. have an under sheriff at a salary of two thousand four hundred twenty-five dollars per annum; one deputy at a salary of two thousand four hundred dollars per annum and five deputies at a salary of two thousand dollars per annum each; eight deputies at a salary of one thousand eight hundred dollars per annum each; one Bertillon deputy who shall have charge of the records made under the Bertillon system and who shall act as a photographer and who shall receive a salary of two thousand dollars per annum; two stenographers whose annual salary shall be one thousand eight hundred dollars; one clerk whose annual salary shall be one thousand two hundred dollars; a matron whose annual salary shall be one thousand five hundred dollars. The sheriff shall pay into the county treasury all sums received by him for service of process.

3. The recorder, four thousand dollars per annum; one Recorder. deputy at a salary of two thousand four hundred dollars per annum; one deputy at a salary of two thousand one hundred dollars per annum; six deputies at a salary of one thousand eight hundred dollars per annum each.

The recorder shall have such copyists as are necessary to perform the duties of the office at a compensation of seven cents per folio: *provided, however,* that all instruments that are partly written or typewritten and partly printed, and for the recording of which the county has furnished the county recorder with books containing printed forms corresponding to such instrument, the compensation shall be three and one-half cents per folio for the entire number of folios of written and printed matter in said instrument.

Auditor.

4. The auditor, four thousand dollars per annum; he shall have one deputy at a salary of two thousand four hundred dollars per annum; two deputies at a salary of two thousand one hundred dollars per annum each; one deputy at a salary of one thousand eight hundred dollars per annum; and eight deputies for not to exceed one hundred twenty days in each year at a salary of five dollars per day each, who shall make segregation of road district values and perform such other services as are required by law.

Treasurer.

5. The treasurer, four thousand dollars per annum; he shall have one deputy at a salary of two thousand four hundred fifty dollars per annum; one deputy at a salary of two thousand one hundred fifty dollars per annum; two deputies at a salary of one thousand eight hundred fifty dollars per annum each.

Tax collector.

6. The tax collector, four thousand dollars per annum; he shall have one deputy at a salary of two thousand four hundred twenty-five dollars per annum; one deputy at a salary of two thousand one hundred fifty dollars per annum; one deputy at a salary of two thousand fifty dollars per annum; five deputies at a salary of one thousand eight hundred ten dollars each per annum; and eighteen additional deputies for not exceeding three months in each year at a salary of five dollars per day each; and six additional deputies for not exceeding two months in each year at a salary of five dollars per day each. The tax collector shall be allowed the actual and necessary expenses required by him in the performance of his official duties as license collector of Fresno county.

Assessor.

7. The assessor, five thousand dollars per annum; he shall have one deputy at a salary of two thousand four hundred ten dollars per annum; one deputy at a salary of two thousand one hundred ten dollars per annum; five deputies at a salary of one thousand eight hundred dollars each per annum; ten deputies for a period not to exceed six months at a salary of five dollars per day each, and four deputies for a period not to exceed four months at a salary of seven dollars and fifty cents per day each; twenty-nine deputies for a period not to exceed three months at a salary of seven dollars and fifty cents per day each; all sums collected by the assessor or his deputies as personal property taxes shall be paid into the county treasury monthly as collected with a statement of account of each collection.

Jurors.

8. In counties of this class grand and trial jurors shall receive three dollars per day each while engaged in the performance of the duties required by them, and in addition thereto shall receive the mileage now allowed by law.

District attorney.

9. The district attorney, six thousand dollars per annum; he shall have one assistant at a salary of four thousand five hundred dollars per annum; one deputy at a salary of four thousand two hundred dollars per annum; one deputy at a salary of three thousand nine hundred dollars per annum; one deputy at a salary of three thousand six hundred dollars per annum; one deputy at a salary of three thousand dollars per annum; and two deputies at a salary of two thousand

four hundred dollars per annum each. A detective at a salary of two thousand four hundred dollars per annum; one stenographer at a salary of one thousand eight hundred dollars per annum; and one stenographer at a salary of one thousand six hundred eighty dollars per annum; and one stenographer at a salary of one thousand five hundred dollars per annum.

Neither of these stenographers shall receive other compensation by reason of services as stenographic reporter in any action or proceeding wherein the fee or per diem of the stenographic reporter constitutes a charge against the county.

The district attorney and his deputies shall devote their entire time during office hours to the work of the county and state and are prohibited from engaging in private work within such office hours. It is understood that this provision relative to private work does not affect the district attorney until his salary is six thousand dollars per annum.

10. The coroner, such fees as are now or may hereafter be allowed by law. Coroner.

11. The public administrator, such fees as are now or may hereafter be allowed by law. Public administrator.

12. The superintendent of schools, four thousand dollars per annum; he shall have one deputy at a salary of two thousand seven hundred dollars per annum; three deputies at a salary of two thousand four hundred dollars each per annum; one deputy at a salary of two thousand one hundred dollars per annum; two deputies at a salary of one thousand eight hundred dollars per annum each and two deputies at a salary of one thousand five hundred dollars per annum each. One of the deputies is to act as an attendance officer for the schools of Fresno, whose duties shall be to enforce the laws in regard to compulsory attendance of pupils and who shall perform such other duties in connection with school work as the county superintendent may direct. The superintendent and his supervising assistants and attendance officers shall be allowed their actual traveling expenses incurred while visiting the schools of the county. Supt. of schools.

13. The surveyor, four thousand dollars per annum in full compensation for all services as county surveyor and as road overseer and inspector. He shall have one deputy at a salary of two thousand four hundred dollars per annum; one deputy at a salary of two thousand one hundred dollars per annum; and one deputy at a salary of one thousand eight hundred dollars per annum. Surveyor

The county surveyor shall be allowed all necessary traveling and field expenses of himself and chainmen or other necessary help in the field. In addition, the county surveyor shall be allowed to employ all necessary inspectors and field or office help needed in the preparation of plans, specifications or surveys preliminary to the submission to the qualified voters of a county of this class of a proposition to issue bonds under the provisions of section four thousand eighty-eight of the Political Code for the construction of roads, bridges or highways; *pro-*

vided, however, that before employing such inspectors or field or office help, the surveyor shall first obtain the consent of the board of supervisors to such employment; *provided, however,* that the term of employment of such inspectors or field or office help shall cease at the completion of such preliminary work hereinabove provided for. The salaries and expenses of such inspectors or field or office help shall be paid out of the county general fund upon proper claims presented therefor to the board of supervisors. In any county of this class, where bonds have been or shall hereafter be issued under the provisions of section four thousand eighty-eight of the Political Code, for the construction of roads, bridges or highways, the county surveyor may, at any time during the planning, laying out or construction of such roads, bridges or highways, employ all necessary inspectors and field or office help to assist him in planning, laying out or constructing such roads, bridges and highways: *provided, however,* that before employing such inspectors and field or office help, the surveyor shall first obtain the consent of the board of supervisors to such employment. Inspectors and field or office help shall not be employed longer than necessary to actually complete the roads, bridges or highways paid for out of funds created by such bond issue. There shall also be allowed to such surveyor, from and after the issue of bonds provided in said section four thousand eighty-eight, an additional deputy at a salary of three thousand six hundred dollars per annum, whose duties shall be limited to operations contemplated under such bond issue, and whose term of employment shall cease at the completion of such operation; *provided, however,* that before employing such additional deputy, the surveyor shall first obtain the consent of the board of supervisors for such employment. The salaries of all such persons employed as inspectors or field or office help shall be prescribed by the board of supervisors, and all such salaries, together with the field expense of all such inspectors or field or office help, as well as the salary of said additional deputy, shall be paid out of the fund created by such issue of bonds, upon proper demands therefor presented to the board of supervisors. The surveyor and his deputies shall devote their entire time and service to the work of the county, and are prohibited from engaging in private surveying and engineering work, and shall do all surveying and engineering work for the county, including the preparation of plans and specifications for the construction of bridges.

Classification of townships.

14. The registered population of the several judicial townships of this county is hereby determined to be the registered votes as shown by the great register of the county in the office of the county clerk January 1, 1923, as follows, to wit:

Township No. 1, Dos Palos.....	1,351
Township No. 2, Clovis.....	3,282
Township No. 3, Fresno.....	23,700

Township No. 4,	Fowler-----	1,568
Township No. 5,	Selma-----	2,751
Township No. 6,	Coalinga-----	2,811
Township No. 7,	Sanger-----	1,907
Township No. 8,	Reedley-----	2,486
Township No. 9,	Kingsburg-----	1,296
Township No. 10,	Tollhouse-----	653
Township No. 11,	Kerman-----	1,586
Township No. 12,	Dunlap-----	271
Township No. 13,	Laton-----	591
Township No. 14,	Parlier-----	787
Township No. 15,	Riverdale-----	779
Township No. 16,	Del Rey-----	315
Township No. 17,	Caruthers-----	1,171
Township No. 18	-----	1,407

And for the purpose of regulating the compensation of the constables and justices of the peace, townships of this class of counties are hereby classified as follows: Townships having a registered voting population of ten thousand and more shall belong to and be known as townships of the first class; townships having a like population of one thousand four hundred fifty and less than ten thousand shall belong to and be known as townships of the second class; townships having a like population of six hundred and less than one thousand four hundred fifty shall belong to and be known as townships of the third class; townships having a like population of less than six hundred shall belong to and be known as townships of the fourth class.

15. Justices of the peace in townships of the first class shall receive a salary of two hundred fifty dollars per month to be paid each month as the county officers are paid. Justices of the peace.

For each justice's court in townships of the first class there shall be one justice's clerk, who shall be appointed by the justice of the peace. Said clerk shall be appointed immediately on this act taking effect and shall take the oath of office prescribed for county officers, and give a bond in the sum of three thousand dollars, conditioned upon and for the faithful discharge of the duties of the office, which bond shall be approved and filed in the same manner as are bonds of county officers.

Said justice's clerk shall be authorized to administer all oaths, take and serve affidavits, and shall be authorized to issue and sign writs, summonses and all other processes in any action or proceeding in the justice's court of the township for which he is appointed, or pending before any justice of the peace in said township, in the name of the justice before whom the same is pending, or out of whose court the same is issued, which shall be in substantially the following form:

Justice of the Peace.

Attest :

Clerk."

Justices of
the peace.

All legal papers of every kind in actions or proceedings in such justice's court shall be issued by the said justice's clerk in the manner and form hereinbefore set out. The said justice's clerk shall issue, sign and certify to any and all papers, transcripts or records which are required to be issued, signed or certified by said justice of the peace. All complaints, answers and other pleadings and papers required to be filed in the said justice's court, shall be filed with such justice's clerk, who shall keep a permanent record of such actions and proceedings in the justice's docket, now provided by law to be kept by such justice. Said clerk shall keep a record of the proceedings of said court and shall have the custody of all records and papers of the same.

All fees for the issuance of process, or other fees, which are by law allowed for any official service of the justice of the peace, shall be exacted and paid in advance into the hands of the justice's clerk which, together with all fees, fines, forfeitures or penalties received in said justice's court, shall be paid into the county treasury.

Said justice's clerk shall render each month to the county auditor and county treasurer an exact account, under oath, of all fines, forfeitures and penalties and fees received by him or collected by said court. Said justice's clerk shall receive a salary of one thousand five hundred dollars per year, which shall be payable in like manner and out of the same funds and at such times as county officers are paid.

In the event that the board of supervisors do provide, by order, that two justice's courts be established in any township of the first class, then and in such an event the justice of said additional court shall be entitled to and shall appoint a clerk for said additional court, which said clerk shall be vested with the same authority and charged with the same duties and entitled to the same compensation as the clerk of the justice's court hereinbefore provided for.

The board of supervisors shall provide, in a convenient locality, a suitable office and court room, including all necessary office furniture, telephone, light, heat and water and all necessary stationery and office supplies for the justices and clerks thereof for all justice's courts in and for townships of the first and second class.

Justices of the peace and persons now performing the duties of justices of the peace shall receive the following monthly salaries to be paid each month as the county officers are paid and the same shall be in full compensation for all their services rendered and shall include their office rent except as heretofore provided for justices of the first and second class, to wit:

In townships of the second class.....	\$100
In townships of the third class.....	90
In townships of the fourth class.....	75

For each justice's court in townships other than the first class, there shall be one justice's clerk, who shall be appointed

by the justice of the peace; *provided*, that the total number of cases, civil and criminal, filed in said court during the calendar year preceding such an appointment be six hundred fifty.

Said clerk shall be appointed immediately on this act taking effect and shall have same qualifications, authority and duties as prescribed for clerks of justices' courts of the first class. Said justice's clerk shall receive a salary of one thousand five hundred dollars per year, which shall be payable in like manner and out of the same funds and at such times as county officers are paid. On the first day of each calendar year, the justice of each court, entitled to a clerk under this provision shall file with the county clerk a certified list of all cases filed in his court for the preceding calendar year, giving titles of same.

Justices of the peace shall pay to the county treasurer once a month all fees and fines collected by them and shall be responsible for the collection and payment to the county treasurer of all such fees and fines as herein provided.

16. Constables shall receive the following monthly salaries to be paid each month as the county officers are paid and to be in full compensation for all services rendered by them in criminal cases, to wit:

In townships of the first class-----	\$125
In townships of the second class-----	100
In townships of the third class-----	90
In townships of the fourth class-----	75

In addition to the monthly salaries above provided each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil cases, and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or prison, which expenses shall be audited by the board of supervisors and paid out of the county treasury; *provided, further*, that when a constable is required to go out of the county to serve a warrant of arrest or any other paper in a criminal case, he shall be allowed mileage in going and returning outside of the county at the rate of five cents per mile.

17. The county traffic officer, two thousand four hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the county traffic officer one secretary which office is hereby created at a salary of one thousand eight hundred dollars per annum; one assistant which office is hereby created at a salary of two thousand forty dollars per annum; one deputy traffic officer which office is hereby created at a salary of one thousand nine hundred twenty dollars per annum and nine deputy traffic officers which offices are hereby created at a salary of one thousand eight hundred dollars per annum each; said secretary, assistant and deputies shall be appointed by said county traffic officer and shall be paid by said county in monthly installments at the same time, in the

same manner and out of the same funds as the salary of the county traffic officer is paid. Said traffic officer and his said deputies shall provide their own motorcycles or other vehicles; *provided, however*, that for each mile necessarily traveled in carrying out the duties of his office said county traffic officer, his said assistant, secretary and each of said deputies shall receive the sum of three cents. All the provisions of this paragraph are to apply to the office of county traffic officer and his deputies whenever said office of county traffic officer is created by law.

Supervisors.

18. The supervisors shall receive each the sum of four thousand eight hundred dollars per annum, payable monthly in installments of four hundred dollars per month, in full compensation for all services rendered, either as supervisors or road overseers. The supervisors shall devote their entire time to the work of the county.

19. The salaries of all county and township officers and their deputies shall be payable in installments monthly on the first day of each month.

Effect
of act.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 402.

An act to amend section four thousand two hundred forty-seven of the Political Code, relating to salaries and fees of officers in counties of the eighteenth class.

[Approved June 16, 1923.]

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

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

Salaries
and fees
of officers

4247. In counties of the eighteenth class the county officers shall receive as compensation for services required of them by law or by virtue of their offices, the following salaries, to wit:

County clerk.

1. The county clerk, three thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk the following deputies who shall be appointed by the county clerk and shall be paid salaries as follows: One chief deputy clerk at a salary of one hundred and seventy-five dollars per month and two deputy clerks at a salary of one hundred twenty-five dollars each per month. The salaries of the deputies herein provided for shall be paid by said county in equal monthly installments at the time and in the same manner and out of the same funds as the salary of the county clerk; *provided*,

also, that in counties of this class there shall be and is hereby allowed to the county clerk such additional clerks and assistants as the county clerk may require, and whose compensation in the aggregate shall not exceed one thousand five hundred dollars in any one year, and he shall also receive an additional sum of ten cents per name for each affidavit for registration taken outside the office by deputy registration clerks, claims for the services of such additional clerks and assistants and for registration outside of his office shall be presented to and allowed by the board of supervisors as other claims against the county are presented and allowed.

2. The sheriff, four thousand dollars per annum; *provided*,^{sheriff.} that in counties of this class there shall be and hereby is allowed to the sheriff three deputies who shall be appointed by the sheriff; one at a salary of one hundred fifty dollars per month, one at a salary of one hundred thirty-five dollars per month, and one at a salary of one hundred dollars per month. The salaries of said deputies shall be paid by said county at the same time and in the same manner and out of the same funds as the salary of the sheriff is paid; *provided, further*, that there shall be allowed the said sheriff and his deputies the actual traveling expenses in attending to the duties of the office both civil and criminal including his necessary expenses for pursuing criminals or transacting any criminal business. All fees, commissions and mileage shall be turned over to the county and become the property of the county.

3. The recorder, three thousand dollars per annum; *pro-*^{Recorder.}
vided, that in counties of this class there shall be and is hereby allowed to the recorder the following deputies, who shall be appointed by the recorder and shall be paid salaries as follows: One chief deputy at a salary of one hundred fifty dollars per month, and two deputies at a salary of one hundred twenty-five dollars per month each, said salaries to be paid by said counties in monthly installments at the same time and in the same manner and out of the same funds as the salary of the recorder is paid; *provided, also*, that in counties of this class there shall be and is hereby allowed to the recorder such additional clerks and assistants as the recorder may require, and whose compensation in the aggregate shall not exceed one thousand dollars in any one year; *and provided, further*, that such clerk or clerks as may be necessarily employed to enable the recorder to perform the duties devolved upon him by the provisions of the Torrens Land Title Act, shall be paid one hundred twenty-five dollars per month each. The compensation of attorneys employed under section one hundred eight of said title act shall not exceed twenty-five dollars per day for each day actually devoted to the duties of such employment. Claims for such additional clerks and assistants to be allowed and paid as other claims against the county are allowed and paid.

4. The auditor, three thousand dollars per annum; *pro-*^{Auditor.}
vided, that in counties of this class there shall be and is

hereby allowed to the auditor one chief deputy, who shall be appointed by the auditor and paid a salary of one hundred fifty dollars per month, said salary to be paid by the county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the auditor is paid; *provided, also*, that in counties of this class there shall be and hereby is allowed to the auditor such additional clerks and assistants as the auditor may require, and whose compensation in the aggregate shall not exceed one thousand dollars in any one year. Claims for the services of such additional clerks and assistants to be allowed and paid as other claims against the county are allowed and paid.

Treasurer

5. The treasurer, one thousand five hundred dollars per annum.

Tax collector.

6. The tax collector, three thousand dollars per annum, which shall be in full compensation for all services rendered by him; *provided*, that in counties of this class there shall be and hereby is allowed to the tax collector one deputy who shall be appointed by said tax collector, at a salary of one hundred fifty dollars per month, said salary to be paid by said county in monthly installments at the same time, in the same manner and out of the same funds as the salary of the tax collector is paid; *also provided*, that the said tax collector shall be allowed such additional clerks and assistants as he may require and whose compensation in the aggregate shall not exceed the sum of seven hundred dollars in any one year. Claims for services of such additional clerks and assistants to be allowed and paid as other claims against the county are paid. All commissions and fees of whatever character of the tax collector shall be paid in the county treasury.

Assessor.

7. The assessor, three thousand dollars per annum, which shall be in full compensation for all services rendered by him; *provided*, that in counties of this class there shall be and hereby is allowed to the assessor one chief office deputy at a salary of one hundred fifty dollars per month, one office deputy at a salary of one hundred thirty-five dollars per month; said deputies shall be appointed by said assessor and said salaries shall be paid by said county at the same time and in the same manner and out of the same funds as the salary of the assessor is paid; *provided, also*, that in counties of this class there shall be and hereby is allowed to the assessor the following field deputies: Five for a period of four months each during each fiscal year, whose offices are hereby created and who shall be appointed by the assessor and be paid a salary of two hundred dollars per month each; two for a period of four months each during each fiscal year whose offices are hereby created and who shall be appointed by the assessor and be paid a salary of one hundred twenty-five dollars per month each; said salaries, to be paid by the county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the assessor is paid; *and provided, further*, that said assessor shall be allowed such additional clerks and assistants as he

may require and whose compensation in the aggregate shall not exceed the sum of one thousand dollars in any one year. Claims for the services of such additional clerks and assistants to be allowed and paid as other claims against the county are paid; and *provided, further*, that the assessor shall be allowed his actual traveling expenses including the expense of operating and maintaining an automobile, when engaged in attending to official business not exceeding the sum of two hundred dollars in any one year, claims for which expenses shall be allowed and paid, but if the county shall provide and maintain an automobile for the use of the assessor's office no transportation expenses shall be allowed the assessor or his deputies when traveling in the county. All commissions or fees heretofore or now allowed by law to the assessor, shall be paid by him into the county treasury.

8. The district attorney, three thousand dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the district attorney the following deputies and a stenographer, whose offices are hereby created and who shall be appointed by the district attorney and shall be paid salaries as follows: One deputy at a salary of one hundred fifty dollars per month; one deputy at one hundred twenty-five dollars per month and one deputy at fifty dollars per month, and one stenographer at a salary of ninety dollars per month; said salaries to be paid by said county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the district attorney is paid. District attorney.

9. The coroner, such fees as are now or may be hereafter allowed by law. Coroner.

10. The public administrator, such fees as are now or may be hereafter allowed by law. Public administrator.

11. The superintendent of schools, three thousand dollars per annum, and actual traveling expenses when visiting the schools of his or her county; *provided*, that in counties of this class there shall be and is hereby allowed to the superintendent of schools one deputy, who shall be appointed by the superintendent of schools and paid a salary of one hundred fifty dollars per month, said salary to be paid by said county in monthly installments, and at the same time and in the same manner and out of the same funds as the salary of the superintendent of schools is paid. Supt. of schools.

12. The county surveyor, for all services required of him as county surveyor and also for all services which may be required of him as a road engineer, shall receive one thousand five hundred dollars per annum and necessary costs of transportation to and from, and necessary expenses in the field while engaged on public work; *provided*, that in counties of this class there shall be and there is hereby allowed the county surveyor one deputy who shall be appointed by said county surveyor at a salary of one hundred fifty dollars per month, to be paid at the same time and in the same manner and out of the same funds as the salary of the county surveyor is paid; *provided, further*, that whenever said surveyor is directed by Surveyor.

the assessor to plat, trace or otherwise prepare maps, plats or block books for the use of the county assessor he shall do so without charge or extra compensation therefor.

Justices of
the peace.

13. The justices of the peace shall receive the following monthly salaries, to be paid each month in the same manner and at the same time and out of the same funds as other county officers are paid, which shall be in full for all services rendered by them in civil and criminal cases: In townships having a population of more than fifteen thousand, one hundred twenty dollars per month; in townships having a population of five thousand and not over fifteen thousand, one hundred dollars per month; in townships having a population over four thousand and not over five thousand, sixty dollars per month; in townships having a population over three thousand and not over four thousand, fifty dollars a month; in townships under three thousand, twenty five dollars per month; *provided, however,* that each of said justices shall be furnished with an office and necessary supplies by the board of supervisors of said county. For the purposes of this section the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the federal census taken in the year A. D. 1920.

Constables.

14. Constables shall receive the following monthly salaries, to be paid each month and in the same manner and at the same time and out of the same funds as other county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than ten thousand, ninety dollars per month; in townships having a population of five thousand and not over ten thousand, seventy-five dollars per month; in townships having a population of four thousand and not over five thousand, fifty dollars per month; in townships having a population of three thousand and not over four thousand, forty dollars per month; in townships having a population of under three thousand, twenty-five dollars per month. In addition to the above compensation received in criminal cases, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil cases. Constables shall also be allowed all necessary expenses incurred in conveying prisoners. For the purposes of this section the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the federal census taken in the year A. D. 1920.

Supervisors.

15. Each supervisor for all services required of him as supervisor and ex officio road commissioner, one thousand five hundred dollars per annum and twenty cents per mile for traveling from his residence to the county seat to attend meetings of the board of supervisors. No other mileage or remuneration and no traveling expenses shall be allowed.

Traffic
officers.

16. The county traffic officer, two thousand four hundred dollars per annum; *provided,* that in counties of this class there shall be and there is hereby allowed to the county traffic

officers four deputies, which offices are hereby created. Said deputies shall be appointed by said county traffic officer and shall each receive a salary of one hundred seventy-five dollars per month, which shall be paid by said county in monthly installments at the same time, in the same manner and out of the same fund as the salary of the county traffic officer is paid. Said traffic officer and his said deputies shall provide their own motorcycles or other vehicles; *provided, however*, that the county shall provide gasoline and oil for the purpose of propelling the same and shall pay all of the expense of the upkeep of said machines. All the provisions of this paragraph are to apply to the office of county traffic officer and his deputies whenever said office of county traffic officer is created by law.

CHAPTER 403.

An act to amend sections one and six of an act entitled "An act to provide educational opportunities for persons who served in the army, navy or marine corps of the United States in time of war, and making an appropriation therefor," approved May 30, 1921.

[Approved June 16, 1923.]

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

SECTION 1. Section one of the act entitled "An act to provide educational opportunities for persons who served in the army, navy or marine corps of the United States in time of war, and making an appropriation therefor," approved May 30, 1921, is hereby amended to read as follows:

Stats. 1921,
p. 667,
amended.

Section 1. When used in this act, the term "veteran" includes any citizen of the United States who has served on active duty in the army, navy or marine corps of the United States in time of war and has received an honorable discharge therefrom or who has been released from active duty under honorable conditions and who was, at the time of his enlistment, induction, commission or drafting, a bona fide resident of the State of California, but does not include—

"Veteran"
defined.

1. Any person at any time after April 5, 1917, separated from such forces under other than honorable conditions;

2. Any person at any time after April 5, 1917, separated from the military or naval forces on account of alienage;

3. Any person who performed no military duty whatever or refused to wear the uniform;

4. Any person who has received from another state a bonus, compensation or benefit, the prerequisite of which is service in the army, navy, or marine corps of the United States, which service is the basis for the claim for benefits under this act; or

5. Any person who did not enter the military or naval forces of the United States prior to November 12, 1918.

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

Stats. 1921,
p. 668,
unamended.

Veterans
precluded
from
benefits.

Sec. 6. Any veteran who has taken advantage of the benefits of the California veterans' welfare act or of the veterans' farm and home purchase act, adopted at the forty-fourth session of the legislature of the State of California, shall be precluded from taking advantage of the opportunities offered under the provisions of this act.

Constitution-
ality.

SEC. 3. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

CHAPTER 404.

An act to amend sections one, two, three, four, five, six, seven, eight, eleven, twelve, thirteen, fifteen, fifteen a, sixteen, seventeen, eighteen, nineteen, twenty, twenty-four, twenty-five and twenty-eight of an act entitled, "An act creating a veterans' welfare board and defining its powers and duties and making an appropriation in aid of its operations," approved May 30, 1921.

[Approved June 16, 1923.]

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

Stats. 1921,
p. 969,
amended.

SECTION 1. Section one of an act entitled "An act creating a veterans' welfare board and defining its powers and duties and making an appropriation in aid of its operations," approved May 30, 1921, is hereby amended to read as follows:

Title.

Section 1. This act, whenever cited, referred to, or amended, may be designated as the California Veterans' Welfare Act.

Stats. 1921,
p. 969,
amended.

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

"Veteran"
defined.

Sec. 2. When used in this act, the term "veteran" includes any citizen of the United States who has served on active duty in the army, navy or marine corps of the United States in time of war and has received an honorable discharge therefrom or who has been released from active duty under honorable conditions and who was, at the time of his enlistment, induction, commission or drafting, a bona fide resident of the State of California, but does not include—

1. Any person at any time after April 5, 1917, separated from such forces under other than honorable conditions;

2. Any person at any time after April 5, 1917, separated from the military or naval forces on account of alienage;

3. Any person who performed no military duty whatever or refused to wear the uniform;

4. Any person who has received from another state a bonus, compensation or benefit, the prerequisite of which is service

in the army, navy, or marine corps of the United States, which service is the basis for the claim for benefits under this act; or

5. Any person who did not enter the military or naval forces of the United States prior to November 12, 1918.

SEC. 3. Section three of said act is hereby amended to read as follows: St. ds. 1921,
p. 1019,
amended.

Sec. 3. For the purposes of this act the "veterans welfare board" is hereby created. This board shall consist of five members to be appointed by the governor to hold office for a term of four years and until their successors have been appointed and shall qualify. Four of such members shall be veterans. Of the members first appointed one shall be appointed to hold office until the first day of January, 1922, one until the first day of January, 1923, one until the first day of January, 1924, and two until the first day of January, 1925. The governor shall designate one of the veteran members as chairman of the board and director of veterans' welfare. The secretary may or may not be a member of the board. Veterans
welfare
board
created.

Each member of the board other than the chairman and other than the secretary, if he be a member of the board, shall receive for each day's attendance at each meeting of the board a per diem to be fixed by the state board of control with the approval of the governor, and shall also receive the same per diem for each day spent in performing any duty required of him under the direction of the board in the performance of its official duties. The chairman shall receive a salary to be fixed by the state board of control with the approval of the governor. The members shall also receive their actual necessary traveling expenses in the discharge of their duties. Each member of the board shall be a civil executive officer. Compensa-
tion

The board may select and employ such expert, technical, clerical and other assistance as may be necessary. The board shall fix the salaries of all employees with the approval of the state board of control. Assistance.

SEC. 4. Section four of said act is hereby amended to read as follows: State 1921,
p. 970,
amended

Sec. 4. The veterans' welfare board hereinafter called "the board" shall constitute a body corporate with the right and power on behalf of the state to hold property, receive and request donations, contract, sue and be sued and all other rights and powers provided by the constitution and laws of the State of California as belonging to bodies corporate. Three members of the board shall constitute a quorum and such quorum may exercise all the power and authority conferred on the board by this act. Rights and
powers of
board.

The board shall have power to cooperate and to contract with the duly authorized representatives of the United States government in carrying out the provisions of this act.

The object of this act is to provide useful employment and the opportunity to acquire farm homes with profitable livelihood on the land for veterans and to provide for cooperation Object
of act.

of the state with the agencies of the United States engaged in work of a similar character.

Stats. 1921, p. 970, amended.

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

Purchase of lands, water rights, etc.

Sec. 5. For the purposes of this act, the board may acquire on behalf of the state by purchase, gift or the exercise of the power of eminent domain, all lands, water rights and other property needed for the purposes hereof, and may take title in trust and shall without delay improve, subdivide, and sell such land, water rights and other property with appurtenances and rights to approved bona fide settlers who are veterans; the board shall have the authority to set aside for townsite purposes a suitable area acquired under the provisions of this act and to subdivide such area and sell or lease to veterans or others the same for cash, or on such terms and in lots of such size, and with such restrictions as to sale as the board shall deem proper; and provided, further, that the board shall have authority to set aside and dedicate to public use such area or areas as it may deem desirable for roads, school houses, churches or other public purposes.

Stats. 1921, p. 970, amended.

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

Notice of desire to purchase.

Sec. 6. Whenever the board believes that private land should be purchased for settlement under this act, it shall give notice by publication in one or more newspapers of general circulation in this state setting forth approximately the location, area and character of the land desired and the conditions that shall govern the proposed purchase and inviting owners of land to submit such land for inspection.

Stats. 1921, p. 970, amended.

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

Inspection and report on tracts.

Sec. 7. Within thirty days thereafter the board shall direct an officer or a representative in its employ, or one or more persons who may, at its request, be designated by the dean of the college of agriculture of the University of California, to inspect and report on all such tracts of land so submitted as suitable for closer settlement.

Stats. 1921, p. 970, amended.

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

Details of report.

Sec. 8. Each report of such inspection of tracts of land so submitted shall as far as practicable specify:

- (a) Situation and brief description thereof;
- (b) Extent and situation of land comprising so much of any tract as it is proposed to acquire;
- (c) Names and addresses of the owners thereof;
- (d) Character of water rights;
- (e) Nature of improvements;
- (f) Crops being grown on land;
- (g) Appraisement of value of land, water rights and improvements.

Stats. 1921, p. 971, amended.

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

Sec. 11. All sales to settlers of land under this act shall be made upon such terms and conditions as shall give to the board full control of any subdivision thereof until all moneys advanced by the state for the purchase, improvement, or equipment of such subdivisions are fully repaid together with interest thereon as herein provided. Terms of sale to settlers.

SEC. 10. Section twelve of said act is hereby amended to read as follows: Stats. 1921, p. 971, amended.

Sec. 12. Immediately upon taking possession of any land purchased as above or otherwise acquired, and after deducting any areas to be set aside for townsites or public purposes in accordance with this act, the board shall subdivide it into areas suitable for farm and farm laborer's allotments, and lay out, and where necessary, construct roads, ditches and drains for giving access to and insuring proper cultivation for the several farm and farm laborer's allotments. The board, prior to disposing of it to settlers, or at any time after such land has been disposed of, but not after the end of the fifth year from the commencement of the term of the settler's contract of purchase, may Subdivision into farms and farm laborer's allotments.

(a) Prepare all or any part of such land for irrigation and cultivation; Irrigation.

(b) Seed, plant, or fence such land, and cause dwelling houses and outbuildings to be erected on any farm allotment and make any improvements not specified above necessary to render the allotment habitable and productive in advance of, or after settlement, the total cost to the board of such dwelling, outbuildings and improvements not to exceed five thousand dollars on any one farm allotment; Planting.

(c) Cause cottages to be erected on any farm laborer's allotment and provide a domestic water supply, the combined cost to the board of the cottage and water supply not to exceed one thousand five hundred dollars on any one farm laborer's allotment; Cottages.

(d) Make loans not to exceed three thousand dollars to any one settler for the purchase of necessary live stock and equipment, such loans to be secured in any manner that the board may direct or without security other than the personal obligation of the settler. Loans.

SEC. 11. Section thirteen of said act is hereby amended to read as follows: Stats. 1921, p. 972, amended.

Sec. 13. Authority is hereby granted to the board, where deemed desirable, to operate and maintain any irrigation works constructed to serve any lands acquired and sold under the provisions of this act. All moneys received in tolls or charges for the operation and maintenance of any works or for any water supplied therefrom shall be deposited in the veterans' welfare fund for land settlement created by this act and shall become available for the payment of any charges or expenses authorized in this act to be paid from said veterans' welfare fund for land settlement. Irrigation works.

Stats. 1921,
p. 972,
amended.

Maximum
value of
allotments.

Notice of
opening
area for
settlement.

SEC. 12. Section fifteen of said act is hereby amended to read as follows:

SEC. 15. Lands disposed of under this act, other than land set aside for townsites or public purposes, shall be sold either as farm allotments, each of which shall have a value not exceeding without improvements, fifteen thousand dollars, or as farm laborer's allotments, each of which shall have a value not exceeding without improvements, one thousand dollars.

Before any part of an area is thrown open for settlement there may be such notice thereof given once a week for four weeks in one or more daily newspapers of general circulation in the State of California, setting forth the number and size of farm allotments or farm laborer's allotments, or both, the prices at which they are offered for sale, the terms of payment and such other particulars as the board may deem proper and specifying a definite period within which applications therefor shall be filed with the board on forms provided by the board. The board shall have the right in its discretion to reject any and all applications and may readvertise as aforesaid until it receives and accepts such number of applications as it may deem necessary. If no application satisfactory to the board is received for any farm allotment or farm laborer's allotment following such advertising, the board at any time prior to readvertising, may sell to an approved applicant any such farm allotment or farm laborer's allotment at the price at which it was theretofore offered for sale. The board shall have the power in dealing with any such farm allotments or farm laborer's allotments for which there have been no applications satisfactory to the board to subdivide or consolidate any one or more of such allotments and fix the prices thereof; *provided*, that the limitation of fifteen thousand dollars for a farm allotment and one thousand dollars for a farm laborer's allotment, as herein set forth is not violated. The board may also sell at public auction, under such conditions of sale and notice thereof as the board may prescribe, any areas which the board may determine are not suitable for farm allotments or farm laborer's allotments whether or not included in any subdivision into farm allotments or farm laborer's allotments; *provided*, if any area has been included in a farm allotment or farm laborer's allotment, then such sale at public auction can be made only after a failure to receive any application satisfactory to the board.

SEC. 13. Section fifteen *a* of said act is hereby amended to read as follows:

SEC. 15*a*. The selling prices of the several allotments into which lands acquired under this act are subdivided, other than those set aside for townsite and public purposes, shall be fixed by the board, so as to render such allotments as nearly as possible equally attractive, and calculated to return to the state the original cost of the land, together with a sufficient sum added thereto to cover all expenses and costs of surveying, improving, subdividing, and selling such lands, including the

Stats. 1921,
p. 973,
amended.

Selling
prices of
allotments.

payment of interest, and all costs of engineering, superintendence, and administration, including the cost of operating any works built, directly chargeable to such land, and also the price of so much land as shall on subdivision be used for roads and other public purposes, and also such sum as shall be deemed necessary to meet unforeseen contingencies.

SEC. 14. Section sixteen of said act is hereby amended to read as follows:

Stats. 1921,
p. 973,
amended
Conditions
of purchase
by veteran.

Sec. 16. Any veteran who is not the holder of real estate or possessory rights thereto to the value of fifteen thousand dollars and who, by purchase under this act would not become the holder of real estate or possessory rights thereto exceeding such value, and who is prepared to enter within six months upon actual occupation of the land acquired, may apply for and become the purchaser of either a farm allotment or a farm laborer's allotment; *provided*, that no more than one farm allotment or more than one farm laborer's allotment shall be sold to any one person; *provided, further*, that no applicant shall be approved who shall not satisfy the board as to his or her fitness successfully to cultivate and develop the allotment applied for. In any such sales preference may be given to veteran trainees in agriculture, under the provisions of the vocational rehabilitation act of congress approved June 27, 1918, and all acts amendatory thereof or supplemental thereto, or to veterans who were wounded or disabled as a result of their military or naval service, and who are otherwise qualified by experience.

SEC. 15. Section seventeen of said act is hereby amended to read as follows:

Stats. 1921,
p. 973,
amended.
Contract of
purchase.

Sec. 17. Every approved applicant shall enter into a contract of purchase with the board, the terms of which shall be determined by the board. Such applicant shall, if required, by the board, enter into an agreement to apply for a loan from a bank organized under the provisions of the federal farm loan act, for an amount to be fixed by the board and shall pay the board the amount of any loan so made as a partial payment on such land and improvements, and the board shall have power to make such conveyances and receive and accept such mortgages or deeds of trust as in its opinion, may be necessary to effectuate such loan and adequately secure the interest of the board and of the state in the premises. The amount due on the land may be amortized over a period to be fixed by the board, but not exceeding forty years, together with interest thereon at the rate of five per cent per annum compounded at periods to be fixed by the board; the amount due on improvements may be amortized over a period to be fixed by the board, but not exceeding twenty years, together with interest at the rate of five per cent per annum compounded at periods to be fixed by the board; the repayments of loans may extend over a period to be fixed by the board not exceeding five years; *provided, however*, in each case, that the purchaser shall have the right on any installment date to pay any or

all installments still remaining unpaid; *provided, further*, that the board may in any individual case postpone from time to time, the whole or any part of any payment of principal or interest, on account of land, or improvements, or loans, upon such terms as the board may determine proper.

Stats. 1921,
p. 974,
amended.

Purchaser
to cultivate
land, etc.

SEC. 16. Section eighteen of said act is hereby amended to read as follows:

Sec. 18. Every contract entered into between the board and a purchaser shall, among other things, provide that, the purchaser shall cultivate the land in a manner to be approved by the board and shall keep in good order and repair all buildings, fences, and other permanent improvements situated on his allotment, reasonable wear and tear, and damage by fire excepted. Each purchaser shall, if required, insure and keep insured against fire or other hazards all buildings, fences, other permanent improvements, or crops on his allotment, loss if any, under the policies therefor to be made payable to the board as its interest may appear and to be in such amount or amounts and in such insurance companies as may be by it specified. The board shall have the power in its own name to insure and keep insured against fire and such other hazards as the board may determine, all buildings, fences, other improvements, and crops on any of the lands under the control of the board. The board shall likewise have the power in any contract of purchase under which the board purchases lands as authorized in this act, to provide for the return by the board to the owner so selling to the state of any insurance premium or taxes which may have been paid on said property by such owner or for which such owner may have become obligated to pay.

Board may
pay taxes,
insure build-
ings, etc.

If the purchaser fails or neglects to pay, satisfy and discharge at maturity all taxes or assessments, and all other charges or encumbrances which shall be a lien upon the property being purchased from the board, or any part thereof, and also all taxes or assessments levied or assessed upon the interest created by the contract of purchase of such property; or to keep the buildings, fences, other permanent improvements, and crops upon such property insured as herein provided; or to keep in good order and repair all buildings, fences and other permanent improvements situated upon such property as herein provided; then, and in any of such events, it shall be lawful for the board to pay, satisfy or discharge, or settle, or compromise said taxes, assessments, charges or encumbrances, or to insure said buildings, fences, permanent improvements, or crops, or any of them, or to do or cause to be done the work and supply the materials necessary to keep the buildings, fences and other improvements situated upon such property in good order and repair. All moneys so expended by the board shall be added to the selling price of such property and bear interest at the rate of seven per cent (7%) per annum compounded semi-annually, from the date of expending the same, and shall be repaid by the purchaser to the board on demand; *provided*, that the board may amor-

tize the repayment of such expenditures or permit repayment in installments upon such terms and conditions as it deems proper; *provided, further*, that the board shall be the sole judge of the legality or validity of such taxes, assessments, charges or encumbrances, and the amount necessary to be paid in satisfaction or discharge thereof, and of the amount of insurance to be placed upon the buildings, fences, other permanent improvements and crops situate upon such property and of the amount necessary to be paid for the premiums for such insurance, and of the necessity and nature of the work necessary to keep the buildings, fences and other improvements situate upon such property in good order and repair and of the amount necessary to be paid therefor.

SEC. 17. Section nineteen of said act is hereby amended to read as follows:

Sec. 19. No allotment sold under the provisions of this act shall, voluntarily or involuntarily, by operation of law or otherwise, be transferred, assigned, encumbered, leased, let or sublet, in whole or in part, without the written consent of the board, until the purchaser has paid therefor in full and has complied with all the terms and conditions of his contract of purchase; *provided, that*, when a purchaser dies, indebted to the board under contract of purchase, his rights acquired under this act and such contract shall devolve upon his heirs, devisees or personal representatives, pursuant to the laws of the State of California, but subject to all rights, claims and charges of the board. Default on the part of such heir, devisee or personal representative, with respect to any right, claim or charge of the board shall have the same effect as would default on the part of the purchaser but for his death.

SEC. 18. Section twenty of said act is hereby amended to read as follows:

Sec. 20. In the event of a failure of a purchaser to comply with any of the terms of his contract of purchase and agreement with the board, the state and the board shall have the right at its option to cancel such contract of purchase and agreement, and thereupon shall be released from all obligations, at law or in equity, to convey the property, and the purchaser shall forfeit all right thereto and all payments theretofore made shall be deemed to be rental paid for occupancy. Upon such forfeiture, the board shall take possession of the property covered by such contract of purchase, and shall remove all persons and the personal property therefrom without any liability whatsoever on the part of the board or of any official or employee thereof for any damage or injury caused by or incident to said entry or removal.

The board may require of the purchaser such mortgage or deed of trust or other instrument as may be necessary under the terms and conditions of the contract of purchase in order to adequately protect and secure the board. There may be included in such contract of purchase, mortgage, deed of trust or other instrument any conditions with reference to sale of the property or reconveyance back to the board or notice of

Stats. 1921,
p. 974,
amended.

Transfers
approved
by board.

Stats. 1921,
p. 974,
amended.

Cancellation
of contract.

such sale or reconveyance as may in the discretion of the board be required to be so included in such contract of purchase, mortgage, deed of trust or other instrument, in order to so adequately protect the said board in the premises.

Failure
to cancel.

The failure of the board or of the state to exercise any option to cancel or other privilege under the contract of purchase for any default shall not be deemed a waiver of the right to exercise the option to cancel, or other privilege under the contract of purchase for any other default on the part of the purchaser. But no forfeiture so occasioned by default on the part of the purchaser shall be deemed in any way, or to any extent, to impair the lien and security of the mortgage or trust instrument securing any loan that the board may have made as is in this act provided.

Sale of
reverted
property.

In the event of a forfeiture of a contract of purchase under the provisions of this act, the board may sell, or otherwise dispose of, or lease or let, the property covered by the forfeited contract of purchase, to such person or persons, and upon such terms and conditions as it deems proper.

The board may, in the contract of purchase between it and a veteran purchaser, provide that, in the event of default by such purchaser and forfeiture of his rights under said contract and subsequent sale of the property by the board, it may, in its discretion, pay to him the net gain, if any, realized by the board upon such subsequent sale. The board shall be the sole judge of said net gain.

Manage-
ment where
purchaser
ill.

If illness or accident prevents a purchaser from cultivating his land, or harvesting any crop or crops growing thereon, the board may enter upon and cultivate the land, or cause it to be cultivated, or harvest or cause to be harvested the crop or crops growing thereon. In such event the board shall have a first lien upon said crop or crops for all moneys expended under this section and may sell such crop or crops so harvested. Out of the proceeds of such sale or sales the board may reimburse itself for any expense which it may have incurred in the cultivation of the land, the harvesting of crops and the sale thereof, and retain any moneys due to the board from the purchaser, and the balance, if any, shall be paid by the board to the purchaser.

Stats 1921,
p. 976,
amended.

Advances
by board
of control.

SEC. 19. Section twenty-four of said act is hereby amended to read as follows:

SEC. 24. The state board of control is hereby authorized to provide for advances of money to the board, needed to meet contingent expenses, to such an amount not exceeding twenty-five thousand dollars, as the said board of control shall deem necessary, which advances shall be administered as a revolving fund or revolving funds.

Stats 1921,
p. 976,
amended.

Deposit
of money
paid by
settlers

SEC. 20. Section twenty-five of said act is hereby amended to read as follows:

SEC. 25. The money paid by purchasers on lands, improvements, or in the repayment of advances, shall be deposited in the veterans' welfare fund for land settlement and be available under the same conditions as the original appropriation.

SEC. 21. Section twenty-eight of said act is hereby amended to read as follows:

Stats. 1921,
p. 977,
amended.

SEC. 28. The board shall, so far as possible, utilize the services of veterans in administrative and other work for the purpose of carrying out the provisions of this act. Nothing contained in that certain act entitled, "An act to provide for a general system based upon investigation as to merit, efficiency and fitness, for appointment to and holding during good behavior of office and employment under state authority and, in that behalf, to create a state civil service commission, to prescribe its powers and duties, to make the willful violation of the provisions of this act a misdemeanor, to repeal all acts and parts of acts inconsistent herewith in so far as they may be inconsistent with the provisions of this act, and to make an appropriation therefor," approved June 16, 1913, or in any acts amendatory thereof or supplementary thereto, or in any other act or acts whatsoever, shall limit the power of the board to utilize the services of veterans in administrative and other work, for the purpose of carrying out the provisions of this act, or in the selection of expert or technical assistance.

Preference
to veterans
in adminis-
trative work.

SEC. 22. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Constitution-
ality.

CHAPTER 405.

An act to amend sections one, two, three, four, five, six, seven, nine and ten of an act entitled "An act providing for farm and home aid for veterans, defining the powers and duties of the veterans' welfare board in respect thereto and making an appropriation therefor," approved May 30, 1921.

[Approved June 16, 1923.]

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

SECTION 1. Section one of the act entitled, "An act providing for farm and home aid for veterans, defining the powers and duties of the veterans' welfare board in respect thereto and making an appropriation therefor," approved May 30, 1921, is hereby amended to read as follows:

Stats. 1921,
p. 815,
amended.

Section 1. This act, whenever cited, referred to, or amended, may be designated as the veterans' farm and home purchase act.

title.

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

Stats. 1921,
p. 815,
amended.

Definitions.

Sec. 2. When used in this act, unless the context otherwise requires, the word or term—

"Veteran."

(a) "Veteran" includes any citizen of the United States who has served on active duty in the army, navy or marine corps of the United States in time of war and has received an honorable discharge therefrom or who has been released from active duty under honorable conditions and who was, at the time of his enlistment, induction, commission or drafting, a bona fide resident of the State of California, but does not include—

1. Any person at any time after April 5, 1917, separated from such forces under other than honorable conditions;

2. Any person at any time after April 5, 1917, separated from the military or naval forces on account of alienage;

3. Any person who performed no military duty whatever or refused to wear the uniform;

4. Any person who has received from another state a bonus, compensation or benefit, the prerequisite of which is service in the army, navy, or marine corps of the United States, which service is the basis for the claim for benefits under this act; or

5. Any person who did not enter the military or naval forces of the United States prior to November 12, 1918.

"Board."

(b) "Board" means the veterans' welfare board of the State of California;

"Farm"

(c) "Farm" means a tract of land which, in the opinion of the board, is capable of producing sufficient to provide a living for the purchaser and his dependents;

"Home."

(d) "Home" means a parcel of real estate upon which there is a dwelling-house and such other buildings as will, in the opinion of the board, suit the needs of the purchaser and his dependents as a place of abode;

"Purchaser."

(e) "Purchaser" means a veteran or any person who has entered into a contract of purchase of a farm or home from the board;

"Purchase price."

(f) "Purchase price" means the price which the board pays for any farm or home;

(g) "Selling price" means the price for which the board sells any farm or home;

(h) "Initial payment" means the first payment to be made by a purchaser to the board for a farm or home.

Stats 1921,
p. 815,
amended.
Object
of act.

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

Sec. 3. The object of this act is to provide veterans with the opportunity to acquire farms and homes.

Administra-
tion.

The administration of the provisions hereof is vested in the veterans' welfare board as created by the California veterans' welfare act adopted at the forty-fourth session of the legislature of the State of California.

Preference
to veterans.

The board may select and employ such expert, technical and clerical assistance as may be necessary. The board shall fix the salaries of all employees, with the approval of the state board of control. The board shall, so far as possible, utilize the services of veterans in administrative and other work for

the purpose of carrying out the provisions of this act. Nothing contained in that certain act entitled, "An act to provide for a general system based upon investigation as to merit, efficiency and fitness, for appointment to and holding during good behavior of office and employment under state authority and, in that behalf, to create a state civil service commission, to prescribe its powers and duties, to make the willful violation of the provisions of this act a misdemeanor, to repeal all acts and parts of acts inconsistent herewith in so far as they may be inconsistent with the provisions of this act, and to make an appropriation therefor," approved June 16, 1913, or in any acts amendatory thereof or supplementary thereto, or in any other act or acts whatsoever, shall limit the power of the board to utilize the services of veterans in administrative and other work, for the purpose of carrying out the provisions of this act, or in the selection of expert or technical assistance.

It is hereby made the duty of all state, county, city and county officials to furnish and give all required information to the veterans' welfare board, upon request, and shall further assist said board in any manner in accordance with law, and without charge therefor.

Public officials to assist.

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

Stats. 1921, p. 815, amended.

Sec. 4. The board may acquire in any manner for sale to a veteran a farm the value of which does not exceed the sum of seven thousand five hundred dollars, or a home the value of which does not exceed the sum of five thousand dollars, which farm or home must be situated in the State of California; *provided*, that no veteran shall receive the benefits hereof who, in the case of the purchase by him of a farm, would thereby become the holder of real estate exceeding in value the sum of seven thousand five hundred dollars, or in the case of the purchase by him of a home would thereby become the holder of real estate exceeding in value the sum of five thousand dollars; *provided, further*, that the board may acquire a farm or home in which the veteran to whom such farm or home is to be sold has theretofore acquired an interest; *and provided, further*, that no veteran who has taken advantage of the benefits of the California veterans' welfare act, or of an act entitled "An act to provide educational opportunities for persons who served in the army, navy, or marine corps of the United States in time of war, and making an appropriation therefor," approved May 30, 1921, both of which acts were adopted by the forty-fourth session of the legislature of the State of California, shall be permitted to take advantage of the opportunities afforded under this act.

Purchase of farm land and home sites.

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

Stats. 1921, p. 810, amended.

Sec. 5. The board shall prescribe and determine the qualifications of all veterans. Any person deeming himself a veteran, as defined herein, and desiring to benefit hereunder, shall submit to the board information, in such form as may be prescribed, that will enable the board to determine his eligibility

Qualifications of veterans.

and his qualifications. The board may make such further inquiries and investigations as it deems proper and necessary in order to determine such eligibility and qualifications. Veterans who are otherwise qualified, and who were wounded or disabled as a result of their military or naval service, shall be given preference for the benefits of this act; *provided, however*, that the board shall determine, in each case, whether or not the veteran was wounded or disabled as a result of his military or naval service.

Stats. 1921,
p. 810,
amended.

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

Selection
of land
by veteran.

SEC. 6. When a veteran has been authorized by the board to select the farm or home he desires he shall submit his selection, in such form as may be prescribed by the board. The board, if satisfied of the desirability of the property submitted, and that such veteran has agreed with the board to actually reside upon such property within six months from the date of the purchase by the board, and that the purchase price of said property does not exceed the sum of seven thousand five hundred dollars in the case of a farm, or five thousand dollars in the case of a home, shall be empowered to purchase said property from the owner thereof upon such terms as may be by them agreed. The board shall enter into a contract with the veteran for the sale of said property to said veteran. The board shall fix the selling price of such property by adding to the purchase price of said property or to the value of such property as determined by the board when such property is acquired by the board in a manner other than by purchase, all expenses incurred and estimated to be incurred by the board in relation thereto, inclusive of interest, administration, appraisals, examination of title, incidental expenses, and such sum as shall be deemed necessary to meet unforeseen contingencies. The purchaser shall make an initial payment of at least ten per cent of the selling price of the property, in the case of a farm, and five per cent in the case of a home. The balance of said selling price may be amortized over a period to be fixed by the board, but not exceeding forty years, together with interest thereon at the rate of five per cent per annum compounded at periods to be fixed by the board; *provided, however*, that the purchaser shall have the right on any installment date to pay any or all installments still remaining unpaid; *provided, further*, that in any individual case the board may for good cause postpone from time to time, upon such terms as the board may deem proper, the payment of the whole or any part of any installment of the selling price or interest thereon. The board is empowered in each individual case to specify the terms of the contract entered into with the purchaser, but no property sold under the provisions of this act shall, voluntarily or involuntarily, by operation of law or otherwise, be transferred, assigned, encumbered, leased, let or sublet, in whole or in part, without the written consent of the board, until the purchaser

Contract
with veteran.

Consent
of board
to transfer.

has paid therefor in full and has complied with all the terms and conditions of his contract of purchase.

Before the purchase of any property by the board there must be filed with the board an appraisalment of the market value of such property by the inheritance tax appraiser of the county in which such property, or some portion thereof, is situated, by one member of the board, and by an officer or by an authorized appraiser of a banking corporation formed under and by virtue of the laws of the State of California, or by the manager of a branch bank of such banking corporation, or by an officer or cashier of a national banking association, having a place of business in the county, or city and county, in which the property, or some portion thereof is situated; *provided*, that if there be no such banking corporation or national banking association having a place of business in the county, or city and county, in which said property or some portion thereof is situated, then by an officer or by an authorized appraiser of such a banking corporation, or by the manager of a branch bank of such a banking corporation, or by an officer or cashier of a national banking association, having a place of business in a county adjacent thereto. Each appraisalment shall be verified by the maker thereof, which verification shall state, among other things, that it is made in good faith, and that the valuation is honestly determined and represents the bona fide opinion of the maker.

Appraisalment of property.

The board, before consummating a purchase under the provisions of the act, shall cause the title of the property sought to be purchased to be examined and may require for that purpose an abstract, an unlimited certificate of title, or a policy of title insurance, and may refer the same to the attorney general for his opinion.

Examination of title.

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

Stats. 1921, p. 817, amended.

Sec. 7. The contract entered into between the board and purchaser shall provide, among other things, that the purchaser shall maintain said farm or home as his place of residence and keep in good order and repair all buildings, fences, and other permanent improvements situate thereon and that each purchaser shall, if required, insure and keep insured against fire or other hazards, all buildings, fences, other permanent improvements, or crops on said property, loss if any, under the policies therefor to be made payable to the board as its interest may appear and to be in such amount or amounts and in such insurance companies as may be by it specified.

Titles of purchaser.

If the purchaser fails or neglects to pay, satisfy and discharge at maturity all taxes or assessments, and all other charges or encumbrances which shall be a lien upon the property being purchased from the board, or any part thereof, and also all taxes or assessments levied or assessed upon the interest created by the contract of purchase of such property; or to keep the buildings, fences, other permanent improvements

Board may pay taxes, etc.

and crops upon such property insured as herein provided; or to keep in good order and repair all buildings, fences and other permanent improvements situated upon such property as herein provided; then, and in any of such events, it shall be lawful for the board to pay, satisfy or discharge, or settle, or compromise said taxes, assessments, charges or encumbrances, or to insure said buildings, fences, permanent improvements or crops, or any of them, or to do or cause to be done the work and supply the materials necessary to keep the buildings, fences, and other improvements situated upon such property in good order and repair. All moneys so expended by the board shall be added to the selling price of such property and bear interest at the rate of seven per cent (7%) per annum compounded semi-annually, from the date of expending the same, and shall be repaid by the purchaser to the board on demand; *provided*, that the board may amortize the repayment of such expenditures or permit repayment in installments upon such terms and conditions as it deems proper; *provided, further*, that the board shall be the sole judge of the legality or validity of such taxes, assessments, charges or encumbrances, and the amount necessary to be paid in satisfaction or discharge thereof, and of the amount of insurance to be placed upon the buildings, fences, other permanent improvements and crops situate upon such property and of the amount necessary to be paid for the premiums for such insurance, and of the necessity and nature of the work necessary to keep the buildings, fences and improvements situate upon such property in good order and repair and of the amount necessary to be paid therefor.

Cancellation
of contract.

In the event of a failure of a purchaser to comply with any of the terms of his contract of purchase, the board shall have the right at its option to cancel such contract of purchase, and thereupon shall be released from all obligations, at law or in equity, to the purchaser under such contract of purchase, and the purchaser shall forfeit all right thereto and all payments theretofore made shall be deemed to be rental paid for occupancy. Upon such forfeiture, the board shall take possession of the property covered by such contract of purchase, and shall remove all persons and personal property therefrom without any liability whatsoever on the part of the board or of any official or employee thereof for any damage or injury caused by or incident to said entry or removal. The failure of the board to exercise any option to cancel or other privilege under the contract of purchase for any default shall not be deemed a waiver of the right to exercise the option to cancel, or other privilege under the contract of purchase for any other default on the part of the purchaser.

Sale of
reverted
property.

In the event of a forfeiture of a contract of purchase under the provisions of this act, the board may sell or otherwise dispose of the property covered by the forfeited contract of purchase, to such person or persons, and upon such terms and conditions as it deems proper.

The board may, in the contract of purchase between it and a veteran purchaser, provide that in the event of default by such purchaser and forfeiture of his rights under said contract and subsequent sale of the property by the board, it may, in its discretion pay to him the net gain, if any, realized by the board upon such subsequent sale. The board shall be the sole judge of said net gain.

The board shall have the power to insure and keep insured against fire or such other hazards as the board may determine, all buildings, fences, other permanent improvements or crops, or any of them, situated upon any property which has reverted to and is under the control of the board, or to do or cause to be done the work and supply the materials necessary to keep said buildings, fences, and other improvements situated upon such property in good order and repair; *provided*, that the board shall have authority to lease or let such property, in whole or in part, upon such terms as it may deem proper, and if a farm, to cultivate such farm or cause it to be cultivated, or harvest or cause to be harvested the crop or crops growing thereon.

Management of reverted property.

If illness or accident prevents a purchaser of a farm from cultivating his farm, or harvesting any crop or crops growing thereon, the board may enter upon and cultivate the farm, or cause it to be cultivated, or harvest or cause to be harvested the crop or crops growing thereon. In such event the board shall have a first lien upon said crop or crops for all moneys expended and may sell such crop or crops so harvested. Out of the proceeds of such sale or sales the board may reimburse itself for any expense which it may have incurred in the cultivation of the farm, the harvesting of the crops and the sale thereof, and retain any moneys due to the board from the purchaser, and the balance, if any, shall be paid by the board to the purchaser.

Management in case of illness.

When a purchaser dies, indebted to the board under contract of purchase, his rights acquired under this act and such contract shall devolve upon his heirs, devisees or personal representatives, pursuant to the laws of the State of California, but subject to all rights, claims and charges of the board. Default on the part of such heir, devisee or personal representative, with respect to any right, claim or charge of the board shall have the same effect as would default on the part of the purchaser but for his death.

Death of purchaser.

SEC 8 Section nine of said act is hereby amended to read as follows:

Stats. 1921, p. 818, amended.

SEC 9 The state board of control is hereby authorized to provide for advances of money to the board, needed to meet contingent expenses, to such an amount not exceeding twenty-five thousand dollars, as the said board of control shall deem necessary, and to provide for advances of money to the board, needed to facilitate the purchase of farms and homes, to such an amount not exceeding five hundred thousand dollars, as the board of control may deem necessary, such advances to be administered as revolving funds. The state controller is

Advances by board of control.

hereby authorized and directed to draw his warrants upon the veterans' farm and home building fund for such advances, and the state treasurer is hereby authorized and directed to pay the same.

Stats 1921,
p. 819,
amended.

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

Deposit of
moneys
paid by
purchasers.

Sec. 10. The money paid by purchasers shall be deposited in the veterans' farm and home building fund and be available under the same conditions as the original appropriation.

Constitution-
ality.

If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

CHAPTER 406.

An act to amend section four thousand two hundred fifty-three of the Political Code, relating to salaries, fees and expenses of officers in counties of the twenty-fourth class.

[Approved June 16, 1923.]

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

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

Salaries
and fees
of officers.

4253. In counties of the twenty-fourth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their offices, the following salaries, fees and expenses, to wit:

County clerk.

1. The county clerk, three thousand dollars per annum; *provided*, that he shall have the power to appoint two deputies at a salary of two thousand one hundred dollars each per annum, and one deputy at a salary of one thousand five hundred dollars per annum, payable at the same time and in the same manner as the salaries of other county officers are paid; *provided, further*, that the county clerk shall receive for compiling the great register, and for services in connection with elections, the additional sum of one thousand two hundred dollars per annum; *and provided, further*, that he shall also receive and retain, for his own use and benefit, all such fees and commissions as now are, or which hereafter may be, allowed by law.

Sheriff.

2. The sheriff, three thousand five hundred dollars per annum; *provided*, that he shall have the power to appoint three deputies, which offices are hereby created, at a salary of one thousand eight hundred dollars each per annum, payable at the same time and in the same manner as that of other county officers. The sheriff shall also receive and retain in all

civil cases for his own use and benefit, fees, commissions and mileage which now are or which may hereafter be allowed by law; and also all expenses incurred in the pursuit of criminals or transacting any criminal business. The sheriff shall also receive and retain for his own use and benefit mileage and fees for the service of process or papers issued by any court in the state.

3. The traffic officer, two thousand one hundred dollars per annum; *provided*, that the traffic officer shall have the power to appoint three deputies, which offices are hereby created, at a salary of two thousand one hundred dollars each per annum, payable at the same time and in the same manner as the salaries of other county officers are paid; *and provided, further*, that the said salaries shall be payment in full for all services rendered and expenses incurred in the performance of the duties of the said traffic officer and deputies, respectively.

Traffic officer.

4. The recorder, two thousand four hundred dollars per annum; *provided, however*, that in counties of this class the recorder shall be entitled to the actual cost incurred by him for the recording of all papers and documents in his office not exceeding six cents per folio for each paper and document so recorded and two cents per name for each and every name indexed. It is hereby found as a fact that the salaries provided for in this subdivision do not work an increase in compensation, and the same shall apply immediately to incumbents.

Recorder.

5. The county auditor, two thousand four hundred dollars; *provided*, he shall have two deputies at a salary of one thousand five hundred dollars per annum each, and one deputy at a salary of one thousand two hundred dollars per annum, and one deputy at a salary of one thousand eighty dollars per annum, all of which offices are hereby created; *and provided, further*, that in counties of this class there shall be and hereby is allowed to the county auditor, such additional assistants as the auditor may require during the months of July, September and December of each year, and whose compensation in the aggregate shall not exceed two hundred dollars in any one year. Said county auditor shall also in the event that he performs the duties of county purchasing agent, which office is hereby created, receive the sum of nine hundred dollars per annum for his services as county purchasing agent which shall be in full for all services as purchasing agent.

Auditor.

6. The treasurer, three thousand dollars per annum; *provided*, that he shall have power to appoint one deputy, which office is hereby created, at a salary of one thousand five hundred dollars per annum, payable at the same time and in the same manner as that of other county officers. The treasurer shall receive and retain for his own use the fees and commissions now or hereafter to be allowed him by law.

Treasurer.

7. The tax collector, two thousand four hundred dollars per annum; he shall have one deputy which office is hereby created,

Tax collector.

at a salary of one thousand five hundred dollars per annum payable at the same time and in the same manner as that of other county officers; *and provided, further*, he shall have one deputy during the months of August, September, October, November and December of each year, which office is hereby created, at a salary of one hundred dollars per month, payable at the same time and in the same manner as that of other county officers.

Assessor.

8. The assessor, four thousand two hundred dollars per annum; he shall have one chief deputy which office is hereby created, at a salary of one thousand eight hundred dollars per annum; one deputy assessor at a salary of one thousand two hundred dollars per annum; four field deputy assessors, for not exceeding three months of each year at a salary of two hundred dollars per month and four field deputies for not exceeding two months of each year at two hundred dollars per month, all of which said offices are hereby created; all said deputies and assistants shall be paid monthly in the same manner and from the same fund as the county officers are paid. All necessary maps, plats, or drawings essential for use in the assessor's office shall be furnished by the county engineer as heretofore. He shall deposit all fees received by him in the county treasury.

District attorney.

9. The district attorney, two thousand four hundred dollars per annum, and his actual traveling expenses when prosecuting criminals, within the county; *provided*, that he shall have power to appoint two deputies, which offices are hereby created, one of said deputies to receive a salary of one thousand five hundred dollars per annum, and the other deputy to receive a salary of one thousand two hundred dollars per annum; the salary of each of said deputies to be payable in the same manner and at the same time as that of other county officers.

Coroner.

10. The coroner, one thousand five hundred dollars per annum and his actual necessary expenses in traveling outside of the county seat, including mileage at the rate of twenty-five cents for each mile necessarily traveled in going to the place of inquest, together with two dollars for summoning a jury. He shall be allowed two deputies which offices are hereby created who shall act without compensation except that they shall be allowed their necessary traveling expenses for necessary travel outside the county seat in performance of their duties. Said salary and allowances shall be in full for all services rendered by the coroner, and he shall be allowed no other fees than those herein enumerated, except that when acting as or in place of the sheriff he shall be allowed the same fees as are allowed the sheriff for like services.

Public administrator.

11. The public administrator, such fees as are now or may hereafter be allowed by law.

Supt. of schools.

12. The superintendent of schools, two thousand seven hundred dollars per annum, and his actual traveling expenses when visiting schools of the county; *provided*, that he shall have the power to appoint two deputies which offices are hereby created, at a salary of one thousand five hundred

dollars and one thousand two hundred dollars per annum, respectively, payable at the same time and in the same manner as other county officers are paid.

13. The surveyor, one thousand eight hundred dollars per annum for all work performed for the county, and in addition thereto his actual and necessary traveling and other expenses in connection with field work, and the cost of preparing maps, plats, block-books and tracings for the assessor when directed by him to do so. Surveyor.

14. The justices of the peace shall receive the following monthly salaries to be paid each month as the salaries of the county officers are paid, which shall be in full for all services rendered by them: (1) in townships having a population of five thousand or more, one hundred fifty dollars per month; *provided*, that where there is now or may be hereafter created in such township more than one justice of the peace, the monthly salary of said two justices shall be each one hundred dollars per month; (2) in townships having a population of two thousand five hundred and less than five thousand, sixty-five dollars per month; (3) in townships having a population of one thousand five hundred and less than two thousand five hundred, sixty dollars per month; (4) in townships having a population of one thousand and less than one thousand five hundred, forty-five dollars per month; (5) in townships having a population of five hundred and less than one thousand, thirty-five dollars per month; (6) and in townships having a population of less than five hundred, thirty dollars per month. Each justice must pay into the county treasury once a month all fees and fines collected by him; *and provided, further*, that the county board of supervisors may, in its discretion, furnish and provide suitable offices for the transaction of the business of any one or more of the justices of the peace. Justices of the peace.

15. The constables shall receive the following salaries to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases and in all other criminal matters; (1) in townships having a population of five thousand or more, one hundred dollars per month; (2) in townships having a population of two thousand five hundred and less than five thousand, fifty dollars per month; (3) in townships having a population of one thousand five hundred or less than two thousand five hundred, forty-five dollars per month; (4) in townships having a population of one thousand and less than one thousand five hundred, thirty-five dollars per month; (5) in townships having a population of five hundred and less than one thousand, thirty dollars per month; (6) in townships having a population of less than five hundred, twenty dollars per month; *provided*, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for necessary traveling expenses in his own district, for the service of a warrant of arrest or any other process in a criminal case, or other criminal matters, when such services is in fact made, both going and returning, ten cents per mile; for each mile traveled. Constables.

out of his county, both going and returning from the place of arrest in the service of process, five cents per mile; and for transporting persons to the county jail ten cents per mile each way. In addition to the monthly salary allowed him herein each constable shall receive for his own use, the fees in civil cases, which now or may hereafter be allowed by law.

Supervisors.

16. The supervisors, each, the sum of one thousand two hundred dollars per annum, and twenty cents per mile for all distances actually traveled, in the performance of his duty as road commissioner, not to exceed two hundred dollars per annum, together with mileage at the rate of twenty cents per mile, in going only, from his place of residence to the county seat at each session of the board.

Phonographic reporter.

17. In counties of this class the official phonographic reporter of the superior court shall receive as compensation for his services the fees and compensation now or hereafter provided by law, and in addition thereto shall receive five dollars per day when not actually engaged in reporting in said court, but when in attendance on court in compliance with and as provided by section two hundred seventy-one of the Code of Civil Procedure, the said per diem of five dollars to be paid in the same manner as provided in criminal cases.

County librarian.

18. The county librarian shall receive two thousand one hundred dollars per year.

Population of townships.

19. For the purpose of subdivisions thirteen and fourteen of this section, the population of the several townships shall be ascertained and determined by the board of supervisors by multiplying by three and one-half, the vote cast for presidential electors in each township at the next preceding election therefor.

Effect of act.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 407.

An act to amend section four thousand two hundred sixty-three of the Political Code, relating to the compensation of officers in counties of the thirty-fourth class.

[Approved June 16, 1923.]

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

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

Salaries and fees of officers.

4263. In counties of the thirty-fourth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The county clerk, three thousand six hundred dollars per annum, and when a new great register of voters is required by law, to be made he shall receive his actual expenses in making said register and ten cents per name for every name registered, in lieu of the sum of five hundred dollars heretofore received for performing said duties. It is hereby found as a fact that the salary provided for in this subsection does not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbent. County clerk.

2. The sheriff, four thousand five hundred dollars per annum. In addition to the fees and expenses allowed by law as set forth in section four thousand three hundred *b* of the Political Code, the sheriff shall be allowed his actual and necessary traveling expenses incurred in pursuing criminals and his actual and necessary traveling expenses incurred in the investigation of crimes committed in his jurisdiction. Sheriff.

3. The recorder, three thousand four hundred dollars per annum. Recorder.

4. The auditor, two thousand dollars per annum, and in lieu of fees heretofore paid him under the provisions of section four thousand ninety-nine *a* of the Political Code he shall receive an additional sum of five hundred dollars per annum as compensation for the extra duties imposed by said section four thousand ninety-nine *a*. It is hereby found as a fact that the salary provided for in this subsection does not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbent. Auditor.

5. The treasurer, two thousand dollars per annum. Treasurer.

6. The tax collector, one thousand eight hundred dollars per annum. Tax collector.

7. The assessor, three thousand five hundred dollars per annum, and his actual and necessary traveling expenses, when engaged in assessing the property of his county; *provided*, such traveling expenses shall not, in any one year, exceed the sum of three hundred dollars. Assessor.

8. The district attorney, three thousand six hundred dollars per annum; *provided, however*, that in counties of this class there shall be and there is hereby allowed to the district attorney one clerk which office is hereby created. Said clerk shall receive a salary of one thousand dollars per annum which shall be paid at the same time, in the same manner and out of the same funds as the salary of the district attorney is paid. District attorney.

9. The coroner, such fees as are now or may be hereafter allowed by law. Coroner.

10. The public administrator, such fees as are now or may be hereafter allowed by law. Public administrator.

11. The superintendent of schools, one thousand eight hundred dollars per annum, and actual traveling expenses when visiting the schools of his county. In counties of this class the secretary of the county board of education shall receive the sum of five hundred dollars per annum, said salary to be paid by said county in monthly installments at the same time Supt. of schools.

and in the same manner and out of the same fund as the salary of the superintendent of schools. The compensation of the secretary of the county board of education of this county hereby provided is in lieu of the fees heretofore allowed under the provisions of section one thousand seven hundred seventy of this code.

It is hereby found as a fact that the salary provided for in this section does not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbent.

Surveyor.

12. The county surveyor, one thousand five hundred dollars per annum, he to furnish all necessary instruments; but transportation charges for field work shall be allowed him. He shall not be required to perform county work more than two-thirds of the working days in any month, except on payment of fees now allowed by law.

Justices of the peace.

13. Justices of the peace, the following salaries to be paid each month as county officers are paid, which shall be in full for all services rendered by them as such justices of the peace: In townships having a population of five thousand and more, one hundred dollars; in townships having a population of twenty-five hundred and less than five thousand, sixty-five dollars; in townships having a population of fifteen hundred and less than twenty-five hundred, forty dollars; in townships having a population of one thousand and less than fifteen hundred, twenty-five dollars; in townships having a population of less than one thousand, ten dollars. Each justice must pay into the county treasury, once a month, all fees and all fines collected by him. In all townships having a population of less than five thousand, if there be more than one justice, the compensation or salary allowed herein shall be equally divided between them so that the sum total of their compensation shall not exceed the salary allowed herein for a single justice in such township.

Constables.

14. Constables the following salaries, which shall be paid monthly as salaries of county officers are paid, and shall be in full for all services rendered by them in criminal cases, to wit: In townships having a population of twenty-five hundred or more, seventy dollars; in townships having a population of fifteen hundred and less than twenty-five hundred, forty-five dollars; in townships having a population of one thousand and less than fifteen hundred, thirty dollars; in townships having a population of less than one thousand, fifteen dollars. In addition to the monthly salary allowed herein, each constable may receive and retain for his own use, such fees as are now or may hereafter be allowed by law for all the services performed by him in civil actions. In all townships having a population of less than twenty-five hundred, if there be more than one constable, the compensation herein allowed shall be equally divided between them, so that the sum total of their monthly compensation shall not exceed the salary allowed herein for a single constable in each township. The board of supervisors shall, during each and every year, ascertain

and determine the population of the several townships of the county for the purpose of ascertaining the compensation of township officers regulated by this section, in proportion to their duties.

In addition to the fees and expenses allowed by law as set forth in section four thousand three hundred *d* of the Political Code, constables shall be allowed the necessary and actual traveling expenses, incurred by them in the investigation of a felony committed within the township of which they are officers, and the necessary and actual traveling expenses incurred by them in pursuing criminals charged with the commission of a felony.

15. The county traffic officer, one thousand nine hundred eighty dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the county traffic officer one deputy, which office is hereby created. Such deputy shall be appointed by the county traffic officer and shall receive a salary of one thousand eight hundred dollars per annum, which shall be paid by the county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the county traffic officer is paid. Said county shall provide motorcycles or other vehicles and gasoline and oil for the purpose of propelling the same for said traffic officer and his deputy and shall pay all of the expense of the upkeep of said machines. All the provisions of this paragraph are to apply to the office of county traffic officer and his deputy whenever said office of county traffic officer is created by law. Traffic officer.

16. Each supervisor, one thousand two hundred dollars per annum, for all services performed by him as supervisor, member of the board of equalization and road commissioner. Supervisor.

17. It is hereby found as a fact that the provisions herein made for expenses of the sheriff and constables of counties of the thirty-fourth class do not work an increase in compensation and it is intended that the same apply immediately to the present incumbents. Effect of act.

CHAPTER 408.

An act to amend section four thousand two hundred fifty-six of the Political Code, relating to the salaries and fees of officers in counties of the twenty-seventh class.

[Approved June 16, 1923.]

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

SECTION 1. Section four thousand two hundred fifty-six of the Political Code is hereby amended to read as follows:

4256. In counties of the twenty-seventh class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit: Salaries and fees of officers.

County clerk.

1. The county clerk, three thousand dollars per annum; and in any year when a new and complete or supplemental registration of voters is required by law to be made, he shall receive the sum of fifteen cents for each elector registered, which shall be allowed by the board of supervisors at the close of registration preceding a general election, and paid from the general fund of the county. The county clerk shall be allowed one deputy at a salary of one thousand eight hundred dollars per annum, and one deputy at a salary of one thousand five hundred dollars per annum.

The county clerk shall also be allowed one copyist at a salary of one thousand two hundred dollars per annum, and two copyists during the month of October in each even numbered year and prior to the holding of the November general election, said copyists to receive a salary of fifty dollars each for said month; said deputies and copyists to be appointed by the county clerk.

The county clerk shall appoint all necessary deputies for the registration of voters, said deputies to be paid by the county clerk.

Sheriff.

2. The sheriff, five thousand dollars per annum, and necessary expenses for pursuing criminals or transacting any criminal business. The sheriff shall be allowed one deputy, who shall be the jailer, at a salary of one thousand eight hundred dollars per annum; and one deputy at a salary of one thousand two hundred dollars per annum; said deputies to be appointed by the sheriff; and such additional deputies as may be required to enforce the provisions of the motor vehicle law, said deputies to be appointed by the sheriff and to receive such compensation, to be paid out of the general fund of the county, as the board of supervisors may fix.

Recorder.

3. The recorder, three thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed the recorder the following deputies and copyists who shall be appointed by the recorder of said county and shall be paid salaries and compensation as follows:

One chief deputy who shall receive a salary of one thousand eight hundred dollars per annum, and three additional deputies for indexing and comparing, each of whom shall receive a salary of one thousand five hundred dollars per annum.

Said recorder may also appoint such copyists, not to exceed three as may be required for the recording of all papers, notices and documents in his office, who shall receive as compensation for their services the sum of six cents per folio for actual work done in copying any instrument to be recorded (except maps and plats) and for making copies of any records or papers.

The salaries and compensations of all deputies and copyists herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county recorder is paid; *provided*, that the recorder shall file monthly with the auditor

a verified statement showing in detail the persons employed as such copyists and the amount due to each for such copying. All fees collected by said recorder for filing and recording of instruments and other documents, maps and plats, or for copies made from records shall be paid into the county treasurer.

4. The auditor, three thousand dollars per annum. The auditor shall be allowed one deputy at a salary of one thousand eight hundred dollars per annum; said deputy to be appointed by the auditor; *and provided, further*, that the said auditor shall be allowed one copyist who shall hold office for a period not to exceed four months of each year, at a salary of one hundred dollars per month; said copyist to be appointed by the auditor. Auditor.

5. The treasurer, three thousand dollars per annum. The treasurer shall be allowed one deputy for six months of each year at a salary of one hundred fifty dollars per month; said deputy to be appointed by the treasurer. Treasurer.

6. The tax collector, two thousand five hundred dollars per annum. The tax collector shall be allowed one deputy at a salary of one thousand eight hundred dollars per annum; said deputy to be appointed by the tax collector; *and provided, further*, that the said tax collector shall be allowed one deputy who shall hold office during the months of September, October, November and December at a salary of seventy-five dollars per month; said deputy to be appointed by the tax collector. Tax collector.

7. The assessor, three thousand six hundred dollars per annum and necessary traveling expenses in the performance of the duties of his office; *provided*, that in counties of this class there shall be, and there hereby is allowed to the assessor, the following deputies, who shall be appointed by the assessor and who shall be paid salaries as follows: One assistant assessor who shall receive a salary of two thousand dollars per annum; one deputy assessor who shall receive a salary of one thousand six hundred and eighty dollars per annum; one deputy who shall receive a salary of one thousand five hundred dollars per annum; one copyist for a period not to exceed four months each year at a salary of one hundred dollars per month; such additional deputies as may be necessary to carry on the work of his office for a length of time not to exceed three months for each deputy and the aggregate compensation to be paid all of such deputies shall not exceed the sum of six thousand fifty dollars in any fiscal year. The deputies herein provided for shall be paid at the same time and in the same manner, and out of the same fund as the salary of the county assessor is paid; *provided*, the assessor shall be allowed a draftsman who shall annually revise the plats in the office of the assessor, for which he shall receive a sum not to exceed four hundred dollars in any one year. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation and it is intended that the same shall apply to the present incumbents. Assessor.

District
attorney.

8. The district attorney, three thousand dollars per annum. The district attorney shall be allowed one deputy at a salary of two thousand four hundred dollars per annum; and also a stenographer at a salary of one thousand five hundred dollars per annum; said deputy and stenographer to be appointed by the district attorney.

Coroner.

9. The coroner, such fees as are now or may hereafter be allowed by law.

Public ad-
ministrator.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

Supt. of
schools.

11. The superintendent of schools, two thousand five hundred dollars per annum; and shall also be allowed the compensation allowed by law for services on the board of education, and actual traveling expenses when visiting in his (or her) county. The superintendent of schools shall be allowed one deputy at a salary of one thousand five hundred dollars per annum; and one deputy at a salary of one thousand two hundred dollars per annum; said deputies to be appointed by superintendent of schools.

Surveyor.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

Classifica-
tion of
townships.

13. For the purpose of regulating the compensation of justices of the peace and constables, townships in counties of the twenty-sixth class are hereby classified according to population to be determined by the board of supervisors at the time of the formation of any new judicial township or townships in the manner prescribed by section four thousand fifty-five of the Political Code. Townships having a population of five thousand or more shall belong to and be known as townships of the first class. Townships having a population of less than five thousand and more than three thousand five hundred shall belong to and be known as townships of the second class. Townships having a population of less than three thousand five hundred shall belong to and be known as townships of the third class. Justices of the peace shall receive the following salaries for all services rendered by them: In townships of the first class, one hundred dollars per month; in townships of the second class, fifty dollars per month; in townships of the third class, thirty-five dollars per month.

Justices of
the peace.

Constables.

14. Constables in counties of this class shall receive the following salaries for all services rendered by them in criminal cases: In townships of the first class, one hundred dollars per month; in townships of the second class, fifty dollars per month; in townships of the third class, thirty-five dollars per month; constables shall also receive for their own use and benefit, such fees as are now or may hereafter be allowed by law in civil cases. They shall also be allowed their actual expenses in conveying prisoners from place of arrest to court, and, in case of conviction, from the court to the county jail.

Supervisors.

15. Supervisors, each, the sum of one thousand eight hundred dollars per annum for all services performed by them as supervisors and as members of the board of equalization.

Each supervisor shall receive mileage at the rate of twenty-five cents per each mile traveled in going to and from the meeting of the board. They shall act as road commissioners in their respective districts and shall receive for their services as such road commissioner mileage at the rate of twenty-five cents per mile for all distances actually traveled by them in the discharge of their duties as such road commissioner; *provided*, that such mileage as road commissioner shall not in any one year exceed the sum of six hundred dollars for any one of the road commissioners.

15a. There is created for counties of the twenty-seventh class a county librarian, who shall be appointed by the board of supervisors for a term of four years and shall receive a salary of two thousand five hundred dollars per annum; to be paid at the time and in the manner as other county officers. County Librarian.

16. The official reporter of the superior court, such fees as are now or may hereafter be allowed by law. Reporter.

16a. The county traffic officer, two thousand one hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the county traffic officer three deputies which offices are hereby created. Said deputies shall be appointed by said county traffic officer and shall each receive a salary of one thousand eight hundred dollars per annum which shall be paid by said county in monthly installments at the same time in the same manner and out of the same funds as the salary of the county traffic officer is paid. Said county shall provide motorcycles or other vehicles and gasoline and oil for the purpose of propelling the same, for such traffic officer and his said deputies and shall pay all of the expense of the upkeep of said machines. All the provisions of this paragraph are to apply to the office of county traffic officer and his deputies whenever said office of county traffic officer is created by law. Traffic officer

17. Juror fees shall be as follows: For attending as a grand juror, or a trial juror in the superior court, for each day's attendance, three dollars per day; for each mile he travels in attending court as such juror, fifteen cents per mile in going only. Jurors.

18. If at any time there shall be created and established in this state a county office designated the office of county public defender, then, and in that case, the salary to be allowed such officer in counties of this class shall be one thousand two hundred dollars per annum. Public defender.

19. The provisions of subdivision eighteen of this section shall have no force or effect unless the office therein anticipated is created by constitutional or legislative enactment.

20. The salaries of all county and township officers and their deputies shall be payable in equal monthly installments from the salary fund of the county on the first day of each month. Payment of salaries.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of Effect of act

this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes, nor to increase or decrease the compensation paid to or received by any such person under the provisions of such statute, except as otherwise herein expressly provided.

CHAPTER 409.

An act making an appropriation for the restoration, care and upkeep of the Mission San Francisco del Solano.

[Approved June 18, 1923.]

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

Appropriation: restoration of Mission San Francisco del Solano.

SECTION 1. There is hereby appropriated out of any funds of the state available therefor, the sum of two thousand dollars for the seventy-fifth fiscal year and two thousand dollars for the seventy-sixth fiscal year for the restoration, care and upkeep of the Mission San Francisco del Solano, at the city of Sonoma, California, the said money to be expended and paid out under the direction and control of the state board of control.

CHAPTER 410.

An act to appropriate money to pay the claim of B. H. Miller against the State of California.

[Approved June 18, 1923.]

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

Appropriation: claim of B. H. Miller.

SECTION 1. The sum of two hundred dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to pay the claim of B. H. Miller against the State of California.

CHAPTER 411.

An act to amend an act entitled "An act creating a state land settlement board and defining its powers and duties and making an appropriation in aid of its operations," approved June 1, 1917, as amended, by amending sections two, four, eleven, twenty-two and twenty-six thereof.

[Approved June 18, 1923.]

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

Stats. 1917, p. 1566, amended.

SECTION 1. Section two of an act entitled "An act creating a state land settlement board and defining its powers and duties and making an appropriation in aid of its operations,"

approved June 1, 1917, as amended, is hereby amended to read as follows:

Sec. 2. The object of this act is to provide employment and rural homes for soldiers, sailors, marines and others who have served with the armed forces of the United States in the European war or other wars of the United States, including former American citizens who served in allied armies against the central powers and have been repatriated, and who have been honorably discharged, to promote closer agricultural settlement, to assist deserving and qualified persons to acquire small improved farms, to demonstrate the value of adequate capital and organized direction in subdividing and preparing agricultural land for settlement, and to provide homes for farm laborers. Object of act.

To carry out the objects herein stated there is hereby created a state land settlement board to consist of five members appointed by the governor to hold office for a term of four years and until their successors have been appointed and shall have qualified; *provided, however*, that of the members first appointed two shall be appointed to hold office until the first day in January, 1918, one until the first day in January, 1919, one until the first day in January, 1920, and one until the first day in January, 1921. State Land settlement board created.

The governor shall designate one of the members as chairman of the board and directors of land settlement. The secretary may or may not be a member of the board. The board shall appoint such expert, technical, and clerical assistance as may prove necessary, and shall define their duties. It shall fix the salaries of all employees, with the approval of the state board of control. Officers, etc.

The four members of the board shall receive a per diem for each meeting attended, and the chairman shall receive a salary, said per diem and salary to be fixed by the state board of control with the approval of the governor. The members shall also receive their actual necessary traveling expenses in the discharge of their duties. Compensation.

The said land settlement board shall have power to cooperate with and to contract with the duly authorized representatives of the United States government in carrying out the provisions of this act. The board shall perform all the duties hereinafter prescribed and shall have full charge of land settlement. All duties, powers, authority, jurisdiction or responsibility over the subject of land settlement given to a department of public works or to the director of public works or any one else by an act entitled "An act to add a new article to chapter three of title one of part three of the Political Code, to be numbered article two *d*, embracing sections three hundred sixty-three to three hundred sixty-three *h*, both inclusive, relating to a department of public works," approved May 31, 1921, and in effect July 30, 1921, are hereby taken away from such department of public works, director of public works or other person and are hereby transferred to and are hereby given to the state land settlement board herein and Cooperation with U. S.

hereby specified and all provisions of said last named act in conflict with or inconsistent with this act are hereby repealed and abolished.

Stats 1917,
p. 1567,
amended.

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

Agricultural
lands to be
acquired
and sold.

SEC. 4. For the purposes of this act, the board may acquire on behalf of the state by purchase, gift or the exercise of the power of eminent domain, all lands, water rights and other property needed for the purposes hereof, and may take title in trust and shall without delay improve, subdivide and sell such land, water rights and other property with appurtenances and rights to approved bona fide settlers; the board shall have the authority to set aside for townsite purposes a suitable area purchased under the provisions of this act and to subdivide such area and sell or lease the same for cash, or on such terms as it shall deem fit, in lots of such size and with such restrictions as to resale, as they shall deem best; *and provided, further,* that the board shall have authority to set aside and dedicate to public use such area or areas as it may deem desirable for roads, school houses, churches or other public purposes. The board shall have authority to contract with owners of tracts of land large enough in the opinion of the board to provide homes for at least one hundred settlers, such tracts to have a water supply sufficient to irrigate the same. Under such contract the board may provide that it shall prepare plans for subdivision, improvement and sale of the tract contracted for and in cases where the board is able to make arrangements satisfactory to it the board may undertake for the owners of the land the settlement and sale of the same under such terms and conditions the board may see fit, such terms and conditions to be like, or in a general way similar to, those hereinafter provided. The board in preparing such plans is hereby given authority to call upon the University of California for assistance in making soil surveys and other investigations necessary to determine the suitability of the soil for settlement and in fixing prices of the different pieces of land in the tract according to their productive capacity. The board is hereby given authority to employ such assistance the board deems necessary to carry out said contracts and is hereby given the authority to establish in California or outside the state, offices for meeting settlers and selling the land. The board is also hereby given authority to arrange for land seekers' excursions within or without the state. In connection with any such contract or work thereunder the board is hereby, in addition to the powers above specified, given all additional power and authority the board may deem necessary to enable the board to coordinate existing colonizing activities so far as they relate to irrigable areas and to bring to new farming communities the benefit of an organized life. The board shall make such charges in connection with its work under such contracts as will be sufficient to meet all expenses, such charges to be paid out of the funds obtained from the sale of the land.

Subdivision
and sale
of lands
for owners.

Soil surveys.

Offices.

Additional
powers.

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

Stats. 1910, p. 840, amended. Subdivision.

Sec. 11. Immediately upon taking possession of any land purchased as above, and after deducting any areas to be set aside for townsites or public purposes in accordance with section four of this act, the board shall subdivide it into areas suitable for farms and farm laborer's allotments, and lay out, and where necessary, construct roads, ditches, and drains for giving access to and insuring the proper cultivation of the several farms and allotments. The board, prior to disposing of it to settlers, or at any time after such land has been disposed of, but not after the end of the fifth year from the commencement of the term of the settler's purchase contract, may

(a) Prepare all or any part of such land for irrigation and cultivation;

Improvement of land.

(b) Seed, plant, or fence such land, and cause dwelling houses and outbuildings to be erected on any farm allotment or make any other improvements not specified above necessary to render the allotment habitable and productive in advance of or after settlement, the total cost to the board of such dwellings, outbuildings and improvements not to exceed one thousand five hundred (1500) dollars on any one farm allotment;

(c) Cause cottages to be erected on any farm laborer's allotment and provide a domestic water supply, the combined cost to the board of the cottage and water supply not to exceed eight hundred (800) dollars on any one farm laborer's allotment;

(d) Make loans to approved settlers on the security of lands or interest therein, permanent improvements, stock and farm implements, such loans to be secured by mortgage or mortgages, deed or deeds of trust on such lands or interests therein, permanent improvements, stock or farm implements, and the total amount of any such loan, together with money spent by the board on improvements as above specified, not to exceed three thousand dollars on any one farm allotment, or two thousand dollars on any one farm laborer's allotment.

Loans

SEC. 4. Section twenty-two of said act is hereby amended to read as follows:

Stats. 1910, p. 845, amended

Sec. 22. In the event of a failure of a settler to comply with any of the terms of his contract of purchase and agreement with the board, the state and the board shall have the right at its option to cancel the said contract of purchase and agreement and thereupon shall be released from all obligation in law or equity to convey the property and the settler shall forfeit all right thereto and all payments theretofore made shall be deemed to be rental paid for occupancy. The board may require of the settler such mortgage or deed of trust or other instrument as may be necessary under the terms and conditions of the contract of purchase in order to adequately protect and secure the board. There may be included in such contract of purchase, mortgage, deed of trust or other instrument any conditions with reference to sale of property or reconveyance back to the board or notice of such sale or reconveyance as may

Failure to comply with contract terms.

Security.

in the discretion of the board be required to be so included in such contract of purchase, mortgage, deed of trust or other instrument, in order to so adequately protect the said board in the premises; and any such contracts of purchase, mortgages, deeds of trust or other instruments heretofore executed are hereby confirmed. The failure of the board or of the state to exercise any option to cancel or other privilege under the contract of purchase for any default shall not be deemed as a waiver of the right to exercise the option to cancel or other privilege under the contract of purchase for any default thereafter on the settler's part. But no forfeiture so occasioned by default on the part of the settler shall be deemed in any way, or to any extent, to impair the lien and security of the mortgage or trust instrument securing any loan that it may have made as in this act provided. The board shall have the right and power to enter into a contract of purchase for the sale and disposition or lease of any land forfeited as above provided, because of default on the part of a settler, and this right may be exercised indefinitely without the necessity of advertising.

Sale of
forfeited
land.

Stats. 1917,
p 1572,
amended.

Advances
by board
of control.

SEC. 5. Section twenty-six of said act is hereby amended to read as follows:

Sec. 26. The state board of control is hereby authorized to provide for advances of money to the board needed to meet contingent expenses to such an amount, not exceeding ten thousand dollars as the said board of control shall deem necessary.

CHAPTER 412.

An act to amend an act entitled "An act regulating private employment agencies, providing a license for the operation thereof and a fee therefor, providing forms of receipts and registers to be used and kept, prohibiting any charge for registering or filing application for help or employment, prohibiting the dividing of fees, providing for the refunding of fees and expenses in the event of failure to procure employment, and granting the commissioner of the bureau of labor statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act." approved June 3, 1913, as amended, by amending sections eleven and nineteen thereof, prescribing the matters to be stated in contracts for employment, requiring certain information in regard thereto to be furnished for help, and vesting authority in the commissioner of the bureau of labor statistics to prescribe rules and regulations and to adjust controversies arising under this act.

[Approved June 18, 1923.]

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

SECTION 1. Section eleven of an act entitled "An act regulating private employment agencies, providing a license for the operation thereof and a fee therefor, providing forms of

Stats 1913,
p 518,
amended.

receipts and registers to be used and kept, prohibiting any charge for registering or filing application for help or employment, prohibiting the dividing of fees, providing for the refunding of the fees and expenses in the event of failure to procure employment, and granting the commissioner of labor statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act," approved June 3, 1913, as amended, is hereby amended to read as follows:

Sec. 11. It shall be the duty of every licensed person conducting an employment agency to give to every applicant for employment from whom a fee is to be received a contract or receipt, in which shall be stated the following particulars: the name and address, and telephone number, if any, of the employment agency; the name and address of the person giving the order for help, the date and consecutive number of the receipt of such order by the agency, and its manner of transmission; the date and consecutive number of issuing the contract; the name of the applicant; the name and address of the person in whom the applicant is sent for employment; the address where the applicant is to report for position; the amount of fee charged and collected from the applicant; the amount of fee, if any, paid or advanced by the prospective employer; the cost of transportation and by whom paid or advanced; the kind of work or employment; the general conditions of employment, with particular regard to sanitary conditions and compliance with labor laws affecting the employment as shown by the statement of the prospective employer; the daily hours of work; the wages or salary, including any other consideration or privilege; whether or not board or lodging, or both, is to be furnished; the employment, to be stated if definite or indefinite, or if temporary or permanent (to be deemed permanent only if lasting beyond ninety days); any other term, condition, or understanding agreed upon between the agency and the applicant must be stated in the contract. If any labor trouble exists at the place of employment the facts thereof must be stated in the contract. There shall be printed on the face of the contract in prominent type the following: "This agency is licensed by the commissioner of labor of the State of California." At the bottom of the contract there shall appear a notice to the effect that the contract is the property of the applicant and must not be taken from him or her, and also a notice directing the employer to state on the reverse side of the contract, in the space to be provided therefor, the fact that he discharged the applicant after employing him or her less than seven days and the number of days of such employment, as the case may be. The licensed person must in such contract undertake to repay the applicant the fee and expenses in the event of failure to procure employment pursuant to the provisions of section twelve of this act, and to refer any controversy between the applicant and the employment agency regarding the terms of the contract to the commissioner of labor for adjustment. Every such contract, or receipt, shall

Receipt
given
applicant.

be made and numbered consecutively, in original and duplicate, both to be signed by the applicant and the person acting for the employment agency; the original shall be given to the applicant and the duplicate shall be kept on file at the agency.

The blank forms of contracts and receipts used by such licensed employment agencies shall be uniform and be approved by the commissioner of labor.

Each employer to whom an applicant is sent in response to an application for an employee or employees must state on the reverse side of the contract, in the space provided therefor, the fact that he refused to employ the applicant or discharged him or her after employing him or her less than seven days, as the case may be.

It shall be unlawful for any such licensed employment agency knowingly to issue a contract for employment containing any term or condition which, if complied with, would be in violation of law, or to attempt to fill an order for help to be employed in violation of law.

Stats. 1913,
p. 521,
amended.

Powers of
labor com-
missioner.

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

Sec. 19. To carry out the purpose of this act, the commissioner of labor is vested with full power, authority and jurisdiction to prescribe rules and regulations, not inconsistent with any provision of this act, for the purpose of facilitating and making certain, uniform and effective the enforcement of the provisions of this act; and in all cases of controversy arising under this act the parties involved therein shall refer the matters in dispute to the commissioner of labor, who shall hear and determine the same, subject to appeal within ten days to the superior court where the same shall be heard de novo, and to stay any award for money, the party aggrieved shall execute a bond to be approved by said superior court in a sum not exceeding twice the amount of said judgment. In all other cases said bond shall be in a sum of not less than one thousand dollars to be approved by the said superior court. The commissioner of labor, his deputies and agents, shall have the power and authority of sheriffs and other peace officers to make arrests for violations of the provisions of this act and to serve any process or notice throughout the state.

CHAPTER 413.

An act to amend an act entitled "An act regulating private employment agencies, providing a license for the operation thereof and a fee therefor, providing forms of receipts and registers to be used and kept, prohibiting any charge for registering or filing application for help or employment, prohibiting the dividing of fees, providing for the refunding of fees and expenses in the event of failure to procure employment, and granting the commissioner of the bureau of labor statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act,"

approved June 3, 1913, as amended, by adding thereto a new section, designated section 11 a, providing for the establishment and observance of a regular schedule of fees by each licensed employment agency.

[Approved June 18, 1923.]

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

SECTION 1. A new section is hereby added to an act entitled Stats. 1913, p. 519, amended. "An act regulating private employment agencies, providing a license for the operation thereof and a fee therefor, providing forms of receipts and registers to be used and kept, prohibiting any charge for registering or filing application for help or employment, prohibiting the dividing of fees, providing for the refunding of fees and expenses in the event of failure to procure employment, and granting the commissioner of the bureau of labor statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act," approved June 3, 1913, as amended, to be numbered eleven a and to read as follows:

Section 11a. It shall be the duty of every licensed person conducting an employment agency to file with the commissioner of labor a schedule of fees to be charged and collected in the conduct of the business of such agency. In such schedule, the various employments shall be classified, and in each class the maximum fee shall be fixed at a uniform rate and shall include the charges of every kind rendered or to be rendered by the agency in each case or transaction on behalf of the prospective employer and a prospective employee leading to employment. Changes in the said schedule may be made from time to time, but no such change shall become effective until seven days after the date of filing same with the commissioner of labor, and until posted for not less than seven days in a conspicuous place in the agency. A copy of the schedule with the changes noted thereon, if any, as in effect, shall be kept posted in each room of the agency frequented by applicants for help or employment, and the said posted schedule and the changes therein shall be in lettering or printing of not less than twelve-point Cheltenham roman type. The date of the taking effect of the schedule and of each change therein shall appear on the posted copies and a certificate thereof shall be procured from the commissioner of labor and kept posted in a conspicuous place in the agency. No fee charged or collected shall be in excess of the fee as scheduled and in force at the time of the issuing of the contract for employment. Schedule of fees charged.

CHAPTER 414.

An act to amend an act entitled "An act regulating private employment agencies, providing for a license for the operation thereof and a fee therefor, providing forms of receipts and registers to be used and kept, prohibiting any charge

for registering or filing application for help or employment, prohibiting the dividing of fees, providing for the refunding of fees and expenses in the event of failure to procure employment, and granting the commissioner of the bureau of labor statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act," approved June 3, 1913, as amended, by adding thereto a new section, designated section eleven and one-half, limiting the fees charged and collected by private employment agencies.

[Approved June 18, 1923.]

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

Stats. 1913,
p. 519,
amended.

SECTION 1. A new section is hereby added to an act entitled "An act regulating private employment agencies, providing for a license for the operation thereof and a fee therefor, providing forms of receipts and registers to be used and kept, prohibiting any charge for registering or filing application for help or employment, prohibiting the dividing of fees, providing for the refunding of fees and expenses in the event of failure to procure employment, and granting the commissioner of the bureau of labor statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act," approved June 3, 1913, as amended, to be numbered eleven and one-half and to read as follows:

Limitations
on fees
charged.

Sec. 11½. No applicant for employment classed as manual shall in any case be charged a fee in excess of seven per centum of the wages or salary earned for the first month, or earned for the first twenty-six working days, if the wages or salary is fixed by the day; or, if such employment is for a period less than a month or twenty-six working days, the fee charged shall in no case exceed seven per centum of the wages or salary earned. In all other employment, which classification shall include also semi-manual employments such as those of clerks, bookkeepers, typists, stenographers, domestics, and mercantile, office, professional and semi-professional employments, the fee charged shall in no case exceed ten per centum of the wages or salary earned for the first month, the twenty-six working days, or shorter period, to be determined in the same manner as in the case of manual employments. In determining any such per centum proper allowance may be made for items of board, lodging, or other consideration or privilege, or for differences arising by reason of rating the compensation otherwise than according to the time of work or service.

This section shall not apply to an association of teachers conducting an employment agency exclusively for the purpose of securing employment for its own members, nor to bona fide schools, having been established for at least three years, securing employment for its own pupils without compensation.

CHAPTER 415.

An act appropriating money to pay the claim of Raymond Benjamin against the State of California.

[Approved June 18, 1923.]

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

SECTION 1. The sum of fifteen thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of Raymond Benjamin against the State of California.

Appropriation claim of Raymond Benjamin.

CHAPTER 416.

An act authorizing the director of agriculture to undertake the control and destruction of predatory wild animals, making an appropriation therefor, and repealing acts authorizing the payment of bounties on such animals.

[Approved June 18, 1923.]

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

SECTION 1. The state director of agriculture may employ hunters and expert trappers throughout the State of California for the purpose of controlling and eradicating coyotes and other harmful predatory animals. For the purpose of carrying on this work he may enter into contracts with the bureau of biological survey of the United States department of agriculture in order to enlist the support of the federal government, and to prescribe the manner, terms, and conditions of such cooperation.

Control and eradication of predatory animals.

SEC. 2. Out of any money in the state treasury not otherwise appropriated, the sum of fifty thousand dollars is hereby appropriated to carry out the purposes of this act.

Appropriation.

SEC. 3. The director of agriculture is hereby authorized to accept on behalf of the state donations of money from individuals, associations, corporations, county boards of supervisors, and other agencies interested in the control of coyotes and other harmful predatory animals, all such moneys to be paid into the state treasury and credited to the predatory animal control fund, which fund is hereby created, to be expended only in the control of coyotes and other harmful predatory animals in accordance with the terms and conditions fixed by the director of agriculture. Moneys thus made available by any county board of supervisors shall be expended solely within the boundaries of the county making the appropriation, unless otherwise authorized by the supervisors of that county. All donations made by individuals, associations or corporations shall be applied to the particular locality in one or more counties where such donors are interested unless said donors specifically consent to its use in other localities.

Donations

Predatory animal control fund created.

SEC. 4. Nothing herein contained shall be deemed to repeal any provision of law authorizing the payment of bounties on mountain lions.

Effect of act.

CHAPTER 417.

An act making appropriation to pay the claim of E. R. Simon against the State of California.

[Approved June 18, 1923.]

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

Appropriation claim of E. R. Simon.

SECTION 1. The sum of six hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of E. R. Simon against the State of California.

CHAPTER 418.

An act to add a new section to the Political Code, to be numbered two thousand five hundred twenty-six a, relating to the powers of the board of state harbor commissioners.

[Approved June 18, 1923.]

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

Contract for use of fire boats.

2526a. The board of state harbor commissioners shall have power to contract with the city and county of San Francisco for the use of the two fire boats, the "Dennis Sullivan" and the "David Seannell," owned by said city and county of San Francisco, as long as such boats remain in commission, for use on San Francisco bay for protection against fires of shipping and for the protection of the property of the state or any political subdivision thereof on the waterfront of San Francisco; one-half of the expense of maintenance of said fire boats to be paid by the city and county of San Francisco and one-half to be paid out of the San Francisco harbor improvement fund, but in no event shall the total amount so expended out of said San Francisco harbor improvement fund exceed the sum of one hundred thirty thousand dollars in any two years or the sum of sixty-five thousand dollars in any one year.

The board of fire commissioners of the city and county of San Francisco shall each month make an itemized account of the expenses of maintenance of said fire boats, including the salaries of the officers, firemen and crews thereof, and file two copies thereof with the state board of harbor commissioners and one copy thereof with the state board of control. It shall be the duty of the board of state harbor commissioners of San Francisco to audit such account and certify to the same, whereupon it shall transmit such account so audited and approved to the said board of control.

In addition to the amounts which may be collected for the purposes specified in this article by the board of state harbor commissioners there shall be collected an amount sufficient to carry out the provisions of this section.

CHAPTER 419.

An act to amend an act entitled "An act providing for the organization, operation, maintenance, and government of water storage districts, and for the acquisition, appropriation, diversion, storage, conservation, and distribution of water for irrigation of lands in such districts, for drainage and reclamation connected therewith, and for the generation, disposition, and sale of hydro-electric energy developed incidental to such storage and distribution; and for the acquisition of lands or rights therein and the acquisition, construction, operation, and maintenance of works to carry into effect the provisions of this act; and conferring upon the state engineer certain additional duties and powers in connection with the carrying out of the purposes of said act and providing for the appointment of directors to assist the state engineer in so doing and defining said duties and powers; and repealing the California irrigation act approved June 4, 1915, and all acts amendatory thereof," approved June 3, 1921, by amending sections three, four, five, six, nine, sixteen, nineteen, twenty-one, twenty-four, twenty-five, twenty-eight, thirty-four, thirty-six, forty-five, forty-six, and fifty-two thereof, and by repealing section sixty-eight thereof, and by adding a new section thereto to be numbered section sixty-eight, said section relating to the protection of vested rights to the use of water.

[Approved June 18, 1923.]

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

SECTION 1. Section three of an act entitled "An act providing for the organization, operation, maintenance, and government of water storage districts, and for the acquisition, appropriation, diversion, storage, conservation, and distribution of water for irrigation of lands in such districts, for drainage and reclamation connected therewith, and for the generation, disposition, and sale of hydro-electric energy developed incidental to such storage and distribution; and for the acquisition of lands or rights therein and the acquisition, construction, operation, and maintenance of works to carry into effect the provisions of this act; and conferring upon the state engineer certain additional duties and powers in connection with the carrying out of the purposes of said act and providing for the appointment of directors to assist the state engineer in so doing and defining said duties and powers; and repealing the California irrigation act approved June 4, 1915, and all acts amendatory thereof," approved June 3, 1921, is hereby amended to read as follows:

Stats. 1921,
p. 1728,
amended.

Sec. 3. A majority in number of the holders of title or evidence of title to lands already irrigated or susceptible of irrigation from a common source and by the same system of storage and irrigation works and representing a majority

Petition for
organization
of water
storage
district.

in value of said lands may by written petition propose the organization of a water storage district under the provisions of this act which shall comprise lands so irrigated or susceptible of irrigation and may include therein lands situated in other distinctive district agencies of the state including other water storage districts having different plans and purposes and the object of which is not the same; organization of such a district under the provisions of this act may also be proposed by written petition signed by not less than five hundred petitioners who are holders of title or evidence of title to lands therein; *provided*, that the said petitioners must include the holders of title or evidence of title to not less than ten per cent in value of the lands within said proposed district. Such lands proposed to be organized into a water storage district need not consist of contiguous parcels.

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

SEC. 4. In order to propose the organization of a water storage district, a petition signed as provided in the preceding section setting forth generally the boundaries of the proposed district or describing the lands situated therein, and the location proposed for the storage of water to be used for such irrigation, any drainage or reclamation connected therewith, and any incidental development of hydro-electric energy, and the nature of the proposed works, and praying that the territory embraced within said proposed district may be organized as a water storage district under the provisions of this act, shall be presented to the state engineer. The petition may consist of any number of separate instruments, and must be accompanied with a good and sufficient undertaking, to be approved by the state engineer, in double the amount of the probable cost of organizing such district as estimated by said state engineer, conditioned that the sureties shall pay all of said costs in case said organization shall not be finally effected, and said state engineer shall have power to require the furnishing of any additional undertaking, or undertakings, or payments of money, in case he should deem the same necessary. Upon the presentation and filing of said petition and undertaking in the office of the said state engineer the said engineer shall forthwith fix a time and place at which he will hear said petition, which place shall be either the office of the state engineer at Sacramento or some place within the county, or one of the counties, within which any portion of the lands of said proposed district are situated and which time shall be not less than thirty nor more than sixty days after the presentation and filing of said petition. Said petition, together with a notice stating the time and place of the hearing so fixed by said engineer, shall be published in each county in which any of the lands of said proposed district are situate by said state engineer once a week for three successive weeks before said hearing. Said notice shall be issued by said state engineer, shall refer to said petition, and shall be directed

to state
Stats. 1921,
p. 1728,
amended.

Presentation
engineer.

Bond for
costs.

Publication
of petition.

to the persons named as petitioners therein, and to all other persons holding title or evidence of title to any lands included within the water storage district proposed in said petition, and to all other persons who may be interested in or affected by the project contemplated in said petition, and shall be substantially in the following form:

Before the state engineer, State of California.

Form of notice.

To the persons named as petitioners in the foregoing petition, to all persons holding title or evidence of title to lands included within the water storage district proposed therein; and to all other persons who may be interested in or affected by the project contemplated in said petition:

You, and each of you, are hereby notified that the foregoing petition was filed with the state engineer on the _____ day of _____, _____, and will be heard by said engineer at _____ on the _____ day of _____, _____, at the hour of _____m. of that day, at which time and place said engineer will hear and receive evidence in support of said petition or any objections which may be presented thereto, and will hear and determine the right of all parties holding title or evidence of title to lands not included in the water storage district proposed in said petition, but which lands are already irrigated or susceptible of irrigation from the same common source and by the same system of storage and irrigation works as are particularly referred to and described in said petition, to have said lands included in said district.

This notice is given pursuant to the provisions of an act, approved June 3, 1921, and known as California water storage district act, to which said act particular reference is hereby made.

Dated _____

State Engineer.

When contained upon more than one instrument one copy only of said petition need be published but the names attached to all said instruments must appear in such publication. Signatures to the petition may be withdrawn at any time before the publication is commenced as in this section required, by filing a declaration signed by the petitioner, with the state engineer, stating that it is the intention of the petitioner to withdraw therefrom, which declaration shall be acknowledged in the same manner as conveyances of real estate are required to be acknowledged.

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

Stats. 1921, p. 1730, amended,

Sec. 5. At the time and place fixed in said notice the state engineer shall proceed to hear said petition and to determine whether or not the same complies with the requirements hereinbefore set forth and whether or not the notice required herein has been published as required, and must hear all competent and relevant testimony offered in support of or in opposition thereto. Said hearing may be adjourned from

Hearing.

Determina-
tion of
engineer

time to time for the determination of said facts, not exceeding thirty days in all. No defect in the contents of the petition or in the title to or form of the notice or signatures, and no lack of signatures thereto, or to the petition as published, shall vitiate any proceedings thereon; *provided*, such petition or petitions have a sufficient number of qualified signatures attached thereto. The determination of said engineer shall be expressed by an order establishing the facts. If said state engineer shall determine that any of the requirements hereinbefore set forth have not been complied with the matter shall be dismissed, but without prejudice to the right of the proper number of persons to present a new petition covering the same matter or to present the same petition with additional signatures, if such additional signatures are necessary to comply with the requirements of this act. If the state engineer shall determine that all the said requirements have been complied with the said engineer shall forthwith proceed to hear said petition and all evidence offered in support of the petition and in support of said written objections, and the written application of any holder of title or evidence of title to lands included in said proposed water storage district, to have said lands excluded therefrom, and to also receive the written application of the holder of title or evidence of title to other lands already irrigated or susceptible of irrigation from the common source and by the same system of storage and irrigation works in said petition more particularly referred to and described, to have said lands included in said district and to participate in the benefits of such water storage district. Said engineer shall ascertain and determine the practicability, feasibility, and utility of the proposed project set forth in said petition, and for that purpose may make, or cause to be made, all necessary studies, examinations, surveys, plans, and estimates of cost, and in connection therewith said state engineer may employ all necessary engineers, attorneys, and other assistants, or acquire and use estimates, surveys, and reports theretofore made, for the accomplishment of said purposes, and the cost thereof shall not in the aggregate exceed a sum in dollars equal in amount to one-fourth the number of acres in such proposed district and shall be deemed a part of the expense of said project, and said state engineer may require the same to be paid by the proponents of said district or may issue warrants therefor and which payment and warrants shall be considered and treated in all respects as warrants of the district and which shall be payable out of the funds of said district when the organization thereof has been completed, and the same, if necessary, may be included in any bond issue authorized for the purposes of said district. If said district shall, as a result of any election hereinafter provided for, be not organized, any warrants issued by said state engineer or board of directors of said district upon the funds of the district shall be a charge upon the undertaking, or undertakings, hereinbefore and in section four of this act provided for, and shall thereupon become due and payable by

Examination
of proposed
project.

Cost of
examination.

the sureties therein named, and the holders of said warrants shall have a cause of action against said sureties thereon.

SEC. 4. Section six of said act is hereby amended to read as follows: Stats. 1921,
p. 1731,
amended.

Sec. 6. Upon the final hearing of said petition the state engineer shall make an order reaffirming his conclusions as to the genuineness and sufficiency of the petition, affirming the regularity and sufficiency of the notice of hearing thereon, and determining the practicability, feasibility, and utility of the proposed project. The said engineer shall also in his said order establish the boundaries of the proposed district or describe the lauds included therein, specify the location proposed for the storage of water to be used for any of the purposes of this act, and provide an estimate of the probable cost of the proposed project. The said state engineer shall also in his said order divide said proposed district into five, seven, nine, or eleven divisions in such manner as to segregate into separate divisions lands possessing the same general character of water rights or interests in and to the waters of such common source, which divisions shall be numbered first, second, third, fourth, and fifth, and sixth, seventh, eighth, ninth, tenth, or eleventh, according to the number of such divisions. The order of said state engineer, made as in this section provided, shall be signed by him and entered in full upon the records kept by him. A copy of such order certified by said state engineer, together with a map showing the exterior boundaries of the district and indicating the lands if any excluded therefrom, shall forthwith be filed for record in the office of the county recorder of each county in which any of the lands within the said district are situated. The finding of said state engineer in favor of the genuineness and sufficiency of the petition and the regularity and sufficiency of the notice of hearing thereon shall be final and conclusive against all persons except the State of California upon suit commenced by the attorney general. Any such suit must be commenced within ninety days after the date of first filing in the office of any county recorder of such certified copy of said order as hereinabove required. Order
of state
engineer.

SEC. 5. Section nine of said act is hereby amended to read as follows: Division of
proposed
district.

Sec. 9. Only the holders of title or evidence of title to lands situated within the district shall be entitled to vote at such election, and every such holder of title or evidence of title shall be entitled to vote, in person or as hereinafter provided, in each precinct in which any of the lands so owned by him are situated and to cast one vote for each one hundred dollars', or fraction thereof, worth of land in said precinct so owned by him. Each male or female voter over the age of twenty-one years shall be entitled to vote in person or by proxy. Any guardian, administrator, or executor of a person or estate owning land within the district shall be considered the holder of title or evidence of title to such lands for the purposes of this act, where the owner in fee is not Recording
of order.

entitled to vote. Any corporation holding title or evidence of title to lands within the district shall be entitled to vote as such land owner through any officer or agent thereunto duly authorized in writing under the seal of the corporation. Entry-men upon public lands situated within the district shall be considered as the holders of title or evidence of title to such lands for the purposes of this act. No person shall vote by proxy unless his authority to cast such vote shall be evidenced by an instrument in writing duly acknowledged and certified in the same manner as grants of real property and filed with the board of election. The provisions of this act relating to general elections shall, except as herein otherwise specifically provided, apply to elections on organization of any water storage district under this act.

Stats. 1921,
p. 1734,
amended.

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

Assessments
to pay
expenses of
organization.

Sec. 16. The board of directors must and shall at its first regular monthly meeting levy an assessment of an equal amount upon each acre of land in said district sufficient to pay all warrants issued by the state engineer in accordance with the provisions of this act, and in addition thereto an amount sufficient in the judgment of said board to defray all other expenses incurred or to be incurred by or for the benefit of said district prior to the appointment of the commissioners provided for in section nineteen of this act. In the event the assessment so levied for the purposes aforesaid shall not be sufficient, it shall be the duty of the board of directors to levy an additional assessment, or assessments; thereafter if it shall become necessary to provide funds for the payment of any expense incurred by or on behalf of the district subsequent to the appointment of said commissioners and prior to the assessment provided for in section nineteen of this act, the board of directors shall levy such additional assessment, or assessments, of an equal amount upon each acre of land in said district as may be necessary to pay such expenses; *provided, however*, the total of all such assessments exclusive of the amount assessed to pay all warrants issued by the state engineer shall not exceed fifty (50) cents per acre. Said assessment, or assessments, so levied shall constitute a lien upon the lands affected thereby until the full amount thereof is paid, which lien shall be prior to all other liens except state, county, and municipal taxes and assessments or taxes levied or assessed by or under statutory authority, and shall be collected in the same manner as other assessments provided for in this act.

Stats. 1921,
p. 1737,
amended.

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

If board
recommends
carrying out
of project.

Sec. 19. If the board of directors recommends that said project be carried out in accordance with the plans and specifications in its said report contained and if within sixty days after the filing of said report in the office of the state engineer there shall be presented to and filed with said state engineer a

petition signed by the owners of more than fifteen per cent of the total assessed valuation of the land in the district requesting that an election be held to ascertain whether such recommendation of the board of directors shall be adopted, the state engineer shall immediately give notice of such an election, which election shall be held and conducted and the result thereof determined and declared in all respects as provided in section eighteen of this act, and if the result of such election shows a majority of all votes cast are "Completion of project—No" the project shall be deemed abandoned and proceedings shall be thereafter taken as provided in said section eighteen in case of abandonment, but if no petition shall be filed as aforesaid or if an election be held and the majority of the votes cast thereat are "Completion of project—Yes" then the state engineer shall forthwith appoint three commissioners whose duty it shall be to assess the cost of the project, upon the benefited lands within the district which shall be done, and the said cost shall be apportioned in accordance with the benefits that will accrue to each tract of land held in separate ownership in said district by reason of the expenditures of said sums of money, and the completion of the project, such assessment to be in gold coin of the United States; *provided, however,* that where any such tract of land consists of more than one section such apportionment to such tract of land shall be made according to legal subdivisions thereof or to other boundaries sufficient to identify the same in subdivisions not greater than one section in area, but any failure or defect in complying with this requirement shall not invalidate said apportionment or said assessment. One of said commissioners shall be a civil engineer and one shall have a practical knowledge of irrigation, and none of said commissioners shall have any interest in any land in the district either directly or indirectly, and each commissioner before entering upon his duties shall take and subscribe an oath that he is not in any manner interested directly or indirectly in any land in the district and that he will perform the duties of commissioner to the best of his ability, and said commissioners shall be paid as compensation for the services rendered by them such sum, or sums, as the state engineer shall fix and determine, which shall be considered a part of the cost of the project, and said state engineer may issue warrants therefor, which shall be payable out of the funds of said district and may be included in any bond issue authorized for the purposes of said district. The said commissioners shall receive from the board of directors of the district the detailed plans, specifications, and estimate of the costs of the project, which have theretofore been duly approved by the state engineer. The said commissioners shall thereupon prepare and certify to the state engineer in triplicate rolls which shall contain:

Election.

Commissioners to assess cost of project.

Triplicate rolls: contents of.

(1) A description of each tract assessed held in separate ownership by legal subdivisions, governmental surveys, or other boundaries sufficient to identify the same;

- (2) The number of acres in each tract;
- (3) The name and address of the owner of each tract, if known, and if unknown, that fact, but no mistake or error in the name of the owner or supposed owner of the property assessed, and no mistake in any other particular, shall render the assessment thereof invalid;
- (4) The rate per acre of such assessment upon said tract;
- (5) The total amount of the assessment as computed;
- (6) Any other statement which may be required by the state engineer and as to which notice is given in writing to the commissioners at the time of transmitting the plans and specifications and costs of the work for the district beforementioned.

Rolls for
lands in
different
counties.

The rolls shall be separately made for lands lying within different counties contained within said district. Said rolls when completed shall be accompanied by the written report of the commissioners wherein is set out with particularity the exact nature and quantum of the benefits so assessed, both in respect of the right in and to stored surplus waters, and the right to store water in the reservoir or reservoirs of the district, apportioned and allocated to each such tract of land in said district and also through any drainage or reclamation work connected therewith. In such report lands embraced within a comprehensive area or a political subdivision of the state may be referred to generally as lands lying within such area or subdivision without further description.

In the event of the conveyance of a part of a tract of land in said district and in the absence of any provisions in the instrument conveying the same, said lands so conveyed shall be deemed to share ratably in the benefits apportioned to the entire tract.

Adjustment
board to
equalize
assessments.

Said rolls when completed shall be duly certified by said commissioners and forthwith by them filed in the office of the state engineer. Said state engineer shall forthwith transmit two copies of said rolls to the board of directors of said district, who shall file one copy in their records and thereupon transmit to the county treasurer of each county within such district that portion of the roll relating to the lands within such county. Thereafter the executive directors and the president of the board of directors of the water storage district in which the lands described in said rolls are situated shall become and constitute a board, in the nature of a board of equalization, which shall be known and designated as the "adjustment board" and whose functions shall be to consider and act upon objections, if any, presented as herein provided to the assessment made by said commissioners. For that purpose said adjustment board shall at once organize by the election from its members of a president and a secretary and shall thereupon appoint times and places not less than thirty days after said rolls have been filed in the records of said board of directors when and where it will meet within each county wherein lands of said district are situated for the purpose of hearing objections to said assessments, and notice of such hearing shall be

published at least once a week for two successive weeks in each county in which any land within said district may be situate. Said objections, if any, must be in writing verified and filed with the state engineer, and shall set forth the grounds of such objections. Such verification shall be made by the affidavit of the objector or some other person who is familiar with the facts. Said adjustment board may postpone such hearings from time to time. At such hearings the adjustment board shall hear such evidence as may be offered touching the correctness of such assessment, and may modify, amend, or approve the said assessment in any particular and may reapportion the whole or any part thereof; *provided, however*, that no assessment shall be increased except after personal notice or notice by registered mail given to the owner if known by depositing in the postoffice at the place in which the office of said district is located in a sealed envelope addressed to each of such owners at his last known, if any, place of residence or business otherwise at the county seat of the county in which any portion of his lands are situated, with full postage paid, at least two weeks before said hearing, or if unknown by publication at least once a week for two successive weeks in the county in which said land in the district may be located, and upon a hearing of objections thereto if made.

Said adjustment board, after said hearings, must make an order approving such assessment as finally fixed or modified, which order shall be filed with and entered in the records of the state engineer, and the apportionment and determination of said adjustment board shall be final and conclusive, and no action or defense shall ever be maintained attacking the same in any respect. Two copies of said assessment roll as finally fixed and approved by the adjustment board shall be forthwith certified by the secretary of such adjustment board and transmitted to the board of directors of the said district, who shall file one copy in their records and thereupon immediately transmit to the county treasurer of each county within such district that portion of the roll relating to the lands within such county, together with a copy of the order of approval of such assessment roll by said adjustment board. Thereafter said assessment roll shall be conclusive evidence before any court or tribunal that said assessment has been made and levied according to law.

When the board of directors shall file with the county treasurer of a county within such district the said assessment list or roll as finally approved as hereinbefore provided the charges assessed thereby upon the several tracts of land within the county shall constitute a lien thereon which shall be prior to all other liens except state, county, and municipal taxes, and assessments or taxes levied or assessed by or under statutory authority, and shall impart notice thereof to all persons. Where bonds of such district have been issued upon any such assessment no act or conduct on the part of such board of directors, or any officer herein mentioned, shall invalidate any

Order
approving
assessment.

Charges a
lien.

such assessment after the same shall have become a lien in the manner herein provided.

Stats. 1921, p. 1740, amended.

SEC. 7a. Section twenty-one of said act is hereby amended to read as follows:

Unpaid assessments.

Sec. 21. At the end of thirty days the treasurer must make return to the board of directors of the district of all assessments paid. All unpaid assessments shall bear interest at the rate of seven per cent per annum. Thereafter all unpaid assessments and accrued interest shall be collected when and as called, and paid to the treasurer of the county or counties, who shall collect and hold such moneys to the credit of the district. Unless bonds shall have been authorized as hereinafter provided, all such payments shall be made in such amounts or installments and at such times respectively as the said board, from time to time, in its discretion, by order entered in its minutes, may direct. Upon making any order fixing and calling such installment or amount, the secretary shall also enter in the minutes of the board, and certify to each county treasurer for signature and mailing or publication in the counties in which any lands within the district are situated a notice in substantially the following form:

Order fixing amount and time of installment.

NAME: (Name) water storage district. (Location of the principal place of business.) Notice is hereby given that, at a meeting of the board of directors held on----- an installment of ----- per cent of assessment number ----- was ordered paid within sixty days from the date thereof to the respective county treasurers of the counties wherein lands of such districts are situate. Any installment which shall remain unpaid on the (day fixed) will be delinquent, together with the accrued interest thereon, with ten per cent of such installment and interest added as penalty.

(Signed)-----
Treasurer of-----County.

Such notice must be sent through the mail, addressed to each owner of land in the district at his place of residence if known or entered upon the assessment roll of the district, and if not known, at the place where the principal office of the district is situated, or in lieu thereof such notice shall be published once a week for two successive weeks in each such county.

Installment becomes delinquent when.

If any such installment shall remain unpaid at the expiration of said sixty days from the date of the order, then the said installment of said assessment shall become delinquent, together with the accrued interest thereon and a penalty of ten per cent of the amount of said installment and interest shall be added thereto and collected for the use of the district.

Notice of sale for delinquent installment.

Immediately after the said installment has become delinquent the said county treasurer or county treasurers must publish once a week for two successive weeks in each county wherein lands of the district are situate, in one notice a list of all delinquencies in such county, which notice shall contain a description of the property assessed, the name of the person to whom it is assessed or a statement that it is assessed to

unknown owners, if such is the fact, the amount then due on said property, and a notice that the property assessed will be sold on the date therein stated in front of the courthouse of said county to pay the amount then due on said property. The date of said sale shall not be less than ten days after the date of the last publication of said notice. At the time stated in said notice, or such other time to which said sale may have been postponed, the county treasurer must sell said property to the highest bidder for gold coin of the United States. Out of the proceeds of said sale the county treasurer must deposit the amount due on said property as shown in said notice to the proper fund of the said district. The county treasurer must pay to the owner of said property any surplus remaining after said deposit to the credit of the district, after first deducting any expense of sale. Except where bonds have been issued upon an assessment the board of directors may direct the county treasurer to postpone said sale from time to time for not less than ten nor more than thirty days at one time, by a written notice posted at the place of sale.

If no bid is made for said property equal to the amount due thereon, it must be struck off to the district for the said amount so due. A certificate of such sale shall be executed by the county treasurer to the purchaser, or to the district if the property shall have been struck off to the district, and this certificate of sale shall be recorded in the office of the county recorder of said county. Any person interested in said property may redeem the same at any time within three years after the date of said sale, by paying to the county treasurer the amount for which the said property was sold, and interest on the said sum at the rate of two per cent per month from the date of said sale, which amount shall be credited to the proper fund of said district.

If no redemption shall be made within said three years, the purchaser or the district, if the property shall have been sold to the district, shall be entitled to a deed executed by the county treasurer or his successor in office, and the effect of such deed shall be to convey said property free and clear of all liens and incumbrances, except state, county and municipal taxes, assessments or taxes levied or assessed by or under statutory authority and any water storage district assessment or portion thereof remaining unpaid at the date of said sale, each installment whereof may be called and collected as herein provided. The board of directors may sell such property sold to the district at any time at public auction after notice given for the same period and in the same manner as is herein provided for sale of delinquent assessments, but not for a sum less than the amount for which said property was sold, with interest at seven per cent per annum, and the deed executed in pursuance of such sale shall convey said property free of all incumbrances except as herein above provided for said deed by the county treasurer.

SEC. 8. Section twenty-four of said act is hereby amended to read as follows:

Certificate
of sale.

Redemption.

Deed to
purchaser.

Stats. 1921,
p. 1743,
amended.

Bond
election.

Sec. 24. Whenever in any water storage district any assessment has been levied and assessed upon the lands of said district and remains unpaid in whole or in part, and, in the judgment and opinion of the board of directors of said district, it shall be for the best interest of the district or the landowners therein to issue bonds for the purpose of obtaining money to pay the costs of the proposed project, the indebtedness of the district, or any other lawful charge, or when a petition signed by the owners of more than one-fourth of the total acreage of the assessed land in the district requesting it is filed with the secretary of said board, the board of directors of such district shall by order entered upon the records of said board order a special election to be held in said district, at which special election shall be submitted to the owners of assessed land in said district the question whether or not bonds of said district shall be issued in an amount equal to the amount of such assessment, or the part of such assessment remaining unpaid, which said amount shall be entered by said board of directors in its records and stated by them in the order for such special election.

Qualifica-
tions of
voters.

The notice of such special election must state in addition to other statements required to be made therein, the aggregate face value of bonds proposed to be issued. Only owners of lands which have been assessed as provided herein shall be qualified to vote at such election. Such election shall be conducted, save and except as in this section otherwise specifically provided, in accordance with the provisions of this act relating to other elections in the district.

Ballots.

The ballots cast at such election shall contain the words "Bonds—Yes," or the words "Bonds—No," and also the name of the person casting the ballot, with the number of votes cast by him. A list of the ballots cast shall be made by the board of election containing the name of each voter, and if the ballot be cast by proxy also the name of the person casting it, and the number of votes cast by each, and whether the same be cast for or against the issuing of the bonds. At the close of the polls the board of election shall at once proceed to canvass the votes and declare the result and shall deliver a certificate showing such result and the number of votes cast for and against the issuing of such bonds to the county clerk of the county, and shall deliver a duplicate thereof to the board of directors of the district, and shall also deliver to the said county clerk all ballots cast at such election within said county and all documents and papers used at such election, and except as in this section specifically provided the provisions of this act with reference to all matters pertaining to elections shall govern and control. The county clerks of the respective counties shall immediately upon receipt of the ballots, papers, and documents from the board of election certify to the board of directors at its office a statement of the result of said election held in each of said counties, with a statement of the number of votes for and in favor of the proposition of "Bonds—Yes" and opposed "Bonds—No." The board of directors shall

Canvass
of vote.

thereupon in a certificate in writing recorded in their minutes declare that the proposal to issue bonds has carried or has been defeated, and stating therein the vote cast throughout the entire district, and a duplicate of such certificate shall be immediately transmitted to the state engineer.

If a majority of the votes cast at such election are in favor of the issuance of bonds, the board of directors of the district shall cause bonds in the amount stated in the order for the election to be executed and delivered, together with the assessment list segregated as to counties within said district, to the treasurer of said district. Said bonds shall be of the denomination of not less than one hundred dollars nor more than one thousand dollars each; they shall be signed by the president of the board of directors of the district and attested by the treasurer of said district, and shall be numbered consecutively in order of their maturity, and shall bear interest at a rate not to exceed six and one-half per cent per annum payable semi-annually on the first day of January and the first day of July in each year at the office of said treasurer, and at any other place within the United States which may be designated by said board, upon the presentation of the proper coupons therefor. Coupons for each installment of interest shall be attached to said bonds and shall bear the facsimile signature of the treasurer of said district. The principal of said bonds shall be made payable on the first day of July, or the first day of January, and in such years as the directors may prescribe. Said bonds shall be payable serially within forty years from their date in the manner following, to wit:

Issuance of bonds.

Interest.

Serial payment.

(1) Not less than ten per centum of the aggregate face value of such bonds issued shall be payable within fifteen years from their date;

(2) Not less than two and one-half per centum of the aggregate face value of such bonds remaining unpaid at the end of fifteen years shall be payable each year beginning with the sixteenth year from their date, until the whole amount of said bonds has been paid.

Said bonds shall be substantially in the following form:

Form of bonds.

United States of America
State of California

(Name) water storage district.

No. _____ \$_____

(Name) water storage district for value received hereby acknowledges itself indebted to and promises to pay to the holder hereof at the office of the treasurer of said district, at (place) in the State of California, on the first day of _____ the sum of \$_____ in gold coin of the United States of America, with interest thereon in like gold coin from date hereof until paid, at the rate of _____ per cent per annum, payable at the office of said treasurer, or at (other designated places), semiannually on the first day of January and the first day of July in each year on presentation and surrender of the interest coupons hereto attached. This bond

is one of a series of ----- bonds of like tenor and effect (except as to denomination and maturity), numbered from ----- to ----- inclusive, amounting in the aggregate to ----- dollars, issued in accordance with the provisions of an act known as "California water storage district act," duly passed and adopted (stating when) and of the laws of the State of California, pursuant to an election held in said water storage district on the ----- day of -----, authorizing its issuance, and based upon and secured by an assessment levied on the lands in said district, and filed in the office of the county treasurers of the county (or counties) of ----- on the ----- day of -----, and the said water storage district does hereby certify and declare that said election was duly called and held upon due notice, and the result thereof was duly canvassed and ascertained, in pursuance of and in strict conformity with the laws of the State of California applicable thereto, and that all the acts and conditions and things required by law to be done, precedent to and in the issue of said bonds have been done and have been performed in regular and in due form and in strict accordance with the provisions of the law authorizing the issuance of water storage district bonds.

In testimony whereof, the said district, by its board of directors, has caused this bond to be signed by the president of said board and attested by the treasurer of said district, with the official seal of said district affixed this ----- day of -----.

 President of said board.

Attest:-----

Treasurer.

Form of interest coupons.

And the interest coupons may be substantially in the following form:

No.----- \$-----

The treasurer of (name) water storage district, California, will pay to the holder hereof on the ----- day of -----, -----, at his office at (place in the State of California, or at designated places), the sum of \$-----, in gold coin of the United States, out of the funds of (name) water storage district for interest on bond of said district numbered -----.

 Treasurer.

Sale of bonds.

The treasurer of said district shall place the bonds prepared pursuant to this act to the credit of the district. Thereafter when directed by resolution of the board of directors of the district, the treasurer shall sell the whole or any designated number of said bonds for the best price obtainable, but in no event for less than ninety per cent of the face value of said bonds and the accrued interest thereon. Before making a sale of said bonds, notice shall be given by the said treasurer by publication at least once a week for two successive weeks in the county in which the office of said district is located, that

Notice.

he will sell a specified amount of said bonds, and stating the day, hour, and place of such sale, and asking sealed proposals for the purchase of said bonds, or any part thereof. At the time appointed said treasurer shall open the bids and award the bonds to the highest responsible bidder. The treasurer upon written request of a majority of the directors must reject any or all bids. Any sale by the treasurer and delivery of the bonds thereunder shall be conclusive evidence in favor of the purchaser and all subsequent holders of the bonds that such sale was made upon due authority and notice. The proceeds of sale of said bonds shall be placed in the treasuries of the respective counties in which land included in the district is situate to the amount of the unpaid assessment in each county and credited to the bond fund of the district, and a proper record of such transaction shall be made upon the books of said treasurer. At any time within thirty days after the issue of any bonds as the result of such election an action may be commenced in the superior court of any said counties by the board of directors of said water storage district in the name of the district as plaintiff, and the defendants shall be described as "all persons claiming any interest in any lands within the said (name) water storage district," to have it determined that said bonds are a legal obligation of such water storage district, and in the event no such action is brought then the same may be commenced by any land owner in the district within thirty days after the expiration of the period within which said action might have been brought by the board of directors. It shall be sufficient to describe said lands as all lands in the district (naming it) without a more specific description. The summons shall be published once a week for two successive weeks in the county where the action is pending. Within thirty days after the first publication of summons any owner of land in such district or any person interested may appear and answer the complaint, which answer shall set forth the facts relied upon to show the invalidity of said bonds. The default of all defendants not so appearing may be entered. Such action shall be given precedence in hearing and trial over all other civil actions in such court, and judgment rendered declaring such matter so contested either valid or invalid. Any party not in default may have the right to appeal to the supreme court within thirty days after the entry of judgment. Judgment for the plaintiff in such proceedings shall be considered as a judgment in rem and shall be conclusive against said district and against all lands therein, and all owners thereof and other interested persons.

Action to determine legality of bonds.

All moneys collected by a county treasurer upon any assessment upon which bonds shall have been issued, including all moneys derived from sale of land for delinquent installments, or from redemption thereof, or from sale of lands bought by such treasurer at any such sale as trustee of the bond fund of the district, shall be by such treasurer forthwith paid into

Moneys credited to bond fund.

the county treasury of the county from which the same arose to the credit of the bond fund of such water storage district, and shall be used exclusively for the payment of principal and interest of said bonds issued on such assessment.

Certification
of bonds as
legal
investments.

Whenever the board of directors shall by resolution declare that it deems it desirable that any contemplated or outstanding bonds of a water storage district organized under this act, including any bonds of such district authorized but not sold, shall be made available for the purpose provided for in section seven of an act of the legislature of the State of California entitled "An act relating to bonds of irrigation districts, providing under what circumstances such bonds shall be legal investments for funds of banks, insurance companies, and trust companies, trust funds, state school funds and any money or funds which may now or hereafter be invested in bonds of cities, cities and counties, counties, school districts or municipalities, and providing under what circumstances the use of bonds of irrigation districts as security for the performance of any act may be authorized," approved June 13, 1913, as amended, the said board of directors shall thereupon file a certified copy of such resolution with the commission created by, and provided for in, said act of June 13, 1913, which commission, and the state controller in connection therewith, are hereby given the same power and authority in respect of the investigation and certification of bonds issued under this act as is given to them in respect of the investigation and certification of irrigation district bonds by said act, as amended, except as the same may be limited by, or inconsistent with, any provision of this act, and bonds of water storage districts provided for in this act which have been so investigated and certified and by authority of such investigation and certification are declared to be legal investments for the purposes stated in said act of June 13, 1913, as amended, may be lawfully purchased, or received in pledge for loans by savings banks, trust companies, insurance companies, guardians, executors, administrators, and special administrators, or by any public officer or officers of this state or of any county, city, or city and county, or other municipal or corporate body within this state having or holding funds which they are allowed by law to invest or loan; *provided, however*, that where said irrigation district bond commission has passed upon one issue of bonds of districts formed hereunder, that all subsequent issues of said districts shall be submitted to said commission as in said act provided.

Supple-
mental
assessment
to pay
principal
and interest.

The lien of any unpaid assessment upon which bonds shall have been issued shall continue until all said bonds shall have been paid in full, and if for any reason any part of the principal or interest of said bonds shall remain unpaid after enforcement of said assessment as in this act provided, the board of directors shall order an additional or supplemental assessment to be made as provided in this act sufficient to pay such unpaid principal and interest; which additional or sup-

plemental assessment shall be enforced and collected in the same manner as the original assessment.

If any district having authorized the issuance of a series of bonds shall issue an additional series of bonds based on another assessment, the dates of maturity of such additional series of bonds shall be such that the latest maturities thereof shall not exceed fifty years and the earliest maturity of bonds of such additional series shall be later than the latest maturity of bonds of any earlier series. All provisions of this section relative to the original issue of bonds shall apply to such additional series of bonds.

Maturity of additional bonds.

Upon a sale of any of the bonds provided herein the treasurer of the district is hereby authorized to accept in payment for said bonds, either in whole or in part, outstanding warrants of such district at their face value, together with the accrued interest thereon.

Where bonds of the district have been authorized to be issued on such assessments all unpaid assessments shall bear interest at the rate of seven per cent per annum from the date of the bonds issued thereon until such bonds shall have been fully paid and discharged, and the interest due at any time on said unpaid assessments may be called without calling any installment of the said assessment. The word installment as used in this section shall be construed as applying to interest as well as to principal as the case may be.

Interest on unpaid assessments.

At least ninety days before any interest date of the bonds, the treasurer of the district shall certify to the county treasurer of each county in which lands of the district are situated an estimate of the amount of money and the percentage of the assessment together with the interest thereon, or only of the interest, necessary to pay interest and principal or the interest maturing on such interest date after crediting thereon the funds in the treasury applicable to the payment thereof to be collected by such county treasurer, and shall add thereto fifteen per cent of such aggregate sum to cover possible delinquencies, and each said county treasurer shall thereupon cause to be published, once a week for two successive weeks in the county of which he is county treasurer, a notice substantially in the following form:

Notice of assessment.

(Name of water storage district). Notice is hereby given that an installment of assessment (describing it) or (amount or proportion thereof including interest thereon or only for interest) is payable within thirty days from date by all assessed landowners of said district in the county of (name of county) to the treasurer of said county. All or any part of said installment of interest which remains unpaid on the (day fixed) will be delinquent, together with accrued interest thereon, with ten per cent of such installment and interest added as penalty.

Dated :-----

(Signed)-----
Treasurer of-----County.

Delinquent
assessments.

Sale of
land to pay
assessment.

Redemption.

If no newspaper is published in said county, such publication shall be made in a newspaper published in an adjoining county. If any part of such installment or any interest thereon shall remain unpaid at the expiration of thirty days from the date of said notice, it shall become delinquent and ten per cent of the unpaid amount of said installment and interest shall be added thereto and collected by said county treasurer. When any installment shall have become delinquent, said treasurer shall, within ten days, publish in said county once a week for two successive weeks a notice containing a description of each parcel of land assessed in the district in said county wherein such installment is delinquent, as such description appears on the assessment list, the name of the person to whom it is assessed, to unknown owners, if such is the fact; the amount of the installment delinquent on such parcel, the amount of interest thereon reckoned to the day of sale, the amount of said ten per cent penalty thereon, and a notice that each of said parcels will be sold at public auction by said county treasurer in front of the courthouse of said county, at a specified day and hour, which shall not be less than thirty nor more than sixty days from the date of delinquency, to pay said delinquent installment, with said accrued interest and penalty. At the time stated in said notice, the county treasurer shall sell each parcel of land described in said notice to the highest bidder, unless prior thereto he shall have received payment in full of said delinquent installment, together with interest and penalty. No bid for any parcel shall be accepted less than the aggregate sum then due on said installment thereon with interest and penalty, and such sale shall be made for cash, except the treasurer may receive from any purchaser at their face value in lieu of cash bonds of said district or their interest coupons, issued on said assessment and then matured or to mature within sixty days after such sale. Any bond or coupon so received in payment shall be by the county treasurer forthwith canceled and filed in the office of the treasurer of the district. If the entire amount of such bond or coupon tendered in payment shall not be required to complete payment of the purchase money, the county treasurer shall endorse thereon as paid the amount of such purchase money credited thereon. If no bid is made for any parcel at such sale equal to the amount of the installment delinquent thereon, with interest and penalty, the county treasurer shall bid in and sell said parcel to himself and his successors in office, as trustee of the bond fund of said district, as purchaser, for the amount of said installment, interest, and penalty. The county treasurer shall execute to each purchaser, including himself as trustee a certificate of sale, and shall record a duplicate in the county recorder's office. Any person interested in the said property may redeem the same at any time within three years after the date of sale by paying to the county treasurer for such purpose a sum equal to the purchase price stated in the certificate, with interest thereon

at the rate of twelve per cent per annum from the date of sale to such redemption. If no redemption shall be made within three years, the said county treasurer upon demand and surrender of such certificate of purchase, shall execute to the purchaser, his heirs or assigns, a deed of conveyance of the parcel of land described in such certificate, which deed shall convey to the grantee therein named the said land free and clear of all encumbrances, except state, county and municipal taxes, assessments or taxes levied or assessed by or under statutory authority, and any water storage district assessment, or portion thereof, remaining unpaid at the date of said sale each installment whereof may be called and collected as herein provided, except that no parcel sold and conveyed to the district shall thereafter be subject to sale by the county treasurer for delinquent installments. Every deed by a county treasurer purporting to be executed under this section shall be prima facie evidence of the truth of the matters therein recited, and of ownership by the grantee of the lands therein described. The county treasurer of each county shall credit to the bond fund of the district all moneys collected by him by sale or otherwise, upon assessments against which bonds shall have been issued, including interest and penalties, and he shall likewise credit to said fund the amounts of purchase money paid in bonds or coupons on sales made under said assessment. Each county treasurer shall charge to the general fund of the district, or to the bond fund if he has no money to the credit of the general fund, the expense of publication of notices and of recording certificates of sale, and shall notify the treasurer of the district thereof. The county treasurer shall transmit to the treasurer of the district all canceled bonds and coupons received in payment on any delinquent sale, and a memorandum of all sums endorsed as paid upon account of purchase money on any bonds or coupons, specifying the same. All moneys collected by any county treasurer upon account of an assessment on which bonds shall not have been issued shall be similarly accounted for to the treasurer of the district, and shall be credited to the general fund of the district. Any parcel of land bid in and purchased by any county treasurer as aforesaid, as trustee of the bond fund of the district, may be sold and conveyed by him or his successor in office at any time after the expiration of said redemption period of three years, at public or private sale and with or without notice, to any person paying him the amount for which said parcel was bid in by said treasurer at delinquent sale, with interest thereon at the rate of seven per cent per annum, compounded yearly, from the date of said delinquent sale, and also the amount of all subsequent installments then delinquent, with accrued interest and penalties thereon. Such payment may be made either in cash or in matured bonds and coupons issued on said assessment, taken at their face value, and such treasurer shall execute a deed to such purchaser upon such sale, conveying said property free of encumbrances, except as hereinbefore provided for deeds

Deed to
purchaser.

Crediting of
moneys.

Sale of
lands bid in
by treasurer.

Sale at
public
auction.

where no redemption is made. If any land so held by a county treasurer as trustee of the bond fund of a district shall remain unsold after the final installment of the assessment shall have been collected by payment or sale, then each such treasurer shall sell all said land so held by him at public auction to the highest bidder for cash, notice of which sale shall be given by publication once a week for two successive weeks in some newspaper published in the county in which said land is situated, and shall deposit the proceeds of such sale in the treasury of the county to the credit of the bond fund of the district. Any balance remaining in such bond fund, after payment in full of the principal and interest of all outstanding bonds of the district, shall be by the treasurer transferred to the general fund of the district. The county treasurer of each of the several counties shall report all transactions of delinquencies and sales to the treasurer of the district who shall keep a record thereof in the office of the district.

Stats. 1921,
p. 1751,
amended.

Powers and
duties of
boards of
directors.

SEC. 9. Section twenty-five of said act is hereby amended to read as follows:

Sec. 25. The board of directors shall have the power and it shall be its duty to manage and conduct the business and affairs of the district; to adopt a seal; to make and execute all necessary contracts; to employ and appoint such agents, officers, and employees as may be required, and prescribe their duties. The board and its agents shall have the right to enter upon any lands to make surveys, locate works, or for any other necessary and lawful purpose. The board shall have the power to construct, maintain, improve, and operate the necessary dams, reservoirs, canals, and works for the storage and distribution of water, and any drainage or reclamation works connected therewith, and to provide for the generation and distribution of hydro-electric energy incidental to such storage and distribution and shall have the power to sell, distribute, or otherwise dispose of, such water, water rights, and hydro-electric energy as may not be necessary for the uses and purposes of said district. The board shall also have the right to acquire by purchase, lease, contract, or other legal means, all lands, waters, water rights, or any use thereof or interest therein, and any other property or rights by it deemed necessary for the construction, maintenance, improvement, and operation of the works or the carrying out of the project of the district, whether the same be in this or another state or foreign nation, including the property and rights of private owners, and stocks of other corporations domestic or foreign, and may give in payment therefor bonds of such district upon such terms and conditions as the board of directors may deem best; *provided, however*, that no bonds shall be so used at a valuation less than ninety per cent of the face value of the same and the accrued interest thereon. Said board may also enter into, and do any acts necessary or proper for the performance of, any agreement with the

United States or with any state, county, district, public corporation, or municipality of any kind, for a purpose appertaining to or beneficial to the project of the district, and may acquire the right to store water in any reservoir, or to carry water through any canal, ditch, or conduit within or without this state not owned or controlled by the district and may grant to the owner or lessee of a right to the use of any water permission to store such water in any reservoir of the district or to carry such water through any canal, ditch, or conduit of the district. The said board is hereby authorized and empowered to take conveyances, leases, contracts, or other assurances for all property acquired by it under the provisions of this act, in the name of such district, to and for the uses and purposes herein expressed, and to institute and maintain any and all actions and proceedings, suits at law, or in equity necessary or proper in order to fully carry out the provisions of this act, or to enforce, maintain, protect or preserve any and all rights, privileges, and immunities created by this act or acquired in pursuance thereof. All contracts and other documents executed by the board shall be signed by the president and by the secretary. And in all actions, suits or proceedings, the said board may sue, appear, and defend in person or by attorneys, and in the name of such district. The board of directors shall have power whenever it deems it necessary for its own guidance or for the best interests of the district to submit any question or proposition relating to the construction, maintenance, improvement, or operation of the works or the carrying out of the project of the district, to the qualified voters of the district at any general election or at a special election called for the purpose, which election shall be in all respects conducted as is provided for other elections in the district. The said board shall have power generally to perform all such acts as may be necessary to fully carry out the purposes of this act.

SEC. 10. Section twenty-eight of said act is hereby amended to read as follows: Stats. 1921,
p. 1754,
amended.

Sec. 28. All claims against the district shall be paid by warrants of said district. To provide a fund for that purpose the board of directors may from time to time draw from the general fund deposited and kept to the credit of the district in the office of the county treasurer of a county having funds belonging to the district in his possession such sums as may be necessary for said purpose, which said sums shall be deposited with the treasurer of the district and paid out by him upon warrants of the district, and he shall report to the board of directors in writing at its regular meeting in each month the amount of money in the district treasury and the amount of receipts and the amount and items of expenditures for the month preceding, which said report shall be verified and filed with the secretary of the board. Warrants
to pay
claims.

SEC. 11. Section thirty-four of said act is hereby amended to read as follows: Stats. 1921,
p. 1755,
amended.

Distribution
of water
when
volume
diminished.

Sec. 34. In the event the volume of the water under the control of the district is so diminished that the distribution thereof in accordance with the apportionment of such water as finally made and approved by the adjustment board as prescribed in section nineteen of this act, will not, in the judgment of the board of directors, result in an economical, efficient, and beneficial use of such water, said board shall have the power to distribute in a just and equitable manner the water available, in such manner, at and for such times, and in such quantities, as in the judgment of said board, will best promote the interests of said district, due regard being had to the rights of the respective parties thereto as determined by the assessment and apportionment of the commissioners provided for in section nineteen of this act as equalized by the adjustment board provided for in said section.

Stats. 1931,
p. 1750,
amended

Sec. 12. Section thirty-six of said act is hereby amended to read as follows:

Qualifica-
tions for
voting

Sec. 36. Only the holders of title or evidence of title to lands situated within the district shall be entitled to vote at a general election, and every such holder of title or evidence of title shall be entitled to vote, in person or as herein-after provided, in each precinct in which any of the lands so owned by him are situated and to cast one vote for each one hundred dollars', or fraction thereof, worth of land in said precinct so owned by him. Each male or female voter over the age of twenty-one years shall be entitled to vote in person or by proxy. Any guardian, administrator, or executor, of a person or estate owning land within the district shall be considered the holder of title or evidence of title to such lands for the purposes of this act, where the owner in fee is not entitled to vote. Any corporation holding title or evidence of title to lands within the district shall be entitled to vote as such land owner through any officer or agent thereunto duly authorized in writing under the seal of the corporation. Entry-men upon public lands situated within the district shall be considered as the holders of title or evidence of title to such lands for the purposes of this act. No person shall vote by proxy unless his authority to cast such vote shall be evidenced by an instrument in writing duly acknowledged and certified in the same manner as grants of real property and filed with the board of election.

Stats. 1921,
p. 1750,
amended.

Sec. 13. Section forty-five of said act is hereby amended to read as follows:

Oath and
bonds of
officers

Sec. 45. Within ten days after receiving their certificates of election herein provided for, said officers shall take and subscribe the official oath, and file the same in the office of the board of directors, and execute the bond hereinafter provided for. The treasurer of the district shall execute an official bond in the sum of fifty thousand dollars to be approved by the board of directors: *provided*, that the board may, if it shall be deemed advisable, fix the bond of the treasurer to suit the conditions of the district, the maximum amount thereof not to exceed fifty thousand dollars, and the minimum amount

thereof not to be less than ten thousand dollars. Each member of the board of directors shall execute an official bond in the sum of five thousand dollars, which said bonds shall be approved by a judge of the superior court and shall be recorded in the office of the county recorder of the county in which the office of the board is situated, and filed with the secretary of said board. All official bonds herein provided for shall be made payable to the proper water storage district and shall be in the form prescribed by law for the official bonds of county officers and the premiums thereon may be paid by the district; *provided*, that in case any district organized under this act is appointed fiscal agent of the United States or by the United States in connection with any federal reclamation project, each of said officers shall execute a further and additional official bond in such sum as the secretary of the interior may require, conditioned for the faithful discharge of the duties of his office and the faithful discharge of the district of its duties as fiscal or other agent of the United States under any such appointment or authorization, and any such bond may be sued upon by the United States or any person injured by the failure of such officers of the district to fully, promptly, and completely perform their respective duties.

SEC. 14. Section forty-six of said act is hereby amended to read as follows: Stats. 1921,
p. 1700,
amended.

SEC. 46. If an election is not held as herein provided, then upon the filing of a petition with the secretary of the board of directors of such district, signed by the owners of more than fifteen per cent of the total assessed valuation of the lands within the district, requesting that a special election be called for the election of such officers, the directors of such district shall thereupon call a special election thereof for the election of such officers, such election to be held within not less than fifteen, nor more than thirty days after the filing of such petition. Special
election.

SEC. 15. Section fifty-two of said act is hereby amended to read as follows: Stats. 1921,
p. 1701,
amended.

SEC. 52. Whenever any notice or publication, or notice of publication, or official advertising, or publication of process is required to be given or made by the provisions of this act the same, unless otherwise specifically provided in this act, shall be given or made in a newspaper of general circulation as defined by the laws of this state, printed and published in each county in which any of the lands in a water storage district, or a proposed water storage district, are situated, and if in any such county or counties there be no such newspaper then in a newspaper printed and published in an adjoining county, the time of the giving or making of said notices, publication, or advertising shall be, unless otherwise specifically provided in this act, once a week for two successive weeks. Publication
of notices,
etc.

SEC. 16. Section sixty-eight of said act is hereby repealed. Repealed.

SEC. 17. A new section is hereby added to said act, said section relating to the protection of vested rights to the use of Stats. 1921,
p. 1703,
amended.

water; said section to be numbered sixty-eight, and to read as follows:

Vested
rights.

Sec. 68. Nothing in this act contained shall be so construed as to affect or impair the vested right of any person, association, or corporation to the use of water.

CHAPTER 420.

An act to amend section six hundred twenty-eight of the Penal Code, relating to the protection of fish and game.

[Approved June 18, 1923.]

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

SECTION 1. Section six hundred twenty-eight of the Penal Code is hereby amended to read as follows:

Protection
of shrimp.

628. (a) Every person who dries any shrimps caught or taken in the waters of this state, or who takes shrimps from the waters of the state for any purpose other than for fresh market purposes is guilty of a misdemeanor; *provided*, that in fish and game district thirteen, unmarketable shrimps which may be unavoidably taken in fishing for the fresh market, may be dried, but at no time shall more than fifty per cent of the shrimps, brought in by any boat, be dried.

Spiny
lobster.

(b) Every person who, between the first day of March and the fourteenth day of October inclusive of any year, takes, catches, kills, has in possession, buys, sells, or offers for sale any spiny lobster (*Panulirus interruptus*), or who at any time takes, catches, kills, has in possession, buys, sells, or offers for sale any spiny lobster (*Panulirus interruptus*), of less than ten and one-half inches or more than sixteen inches in length, measured from one extremity to the other and exclusive of legs, claws or feelers, shall be guilty of a misdemeanor. Every person who at any time takes, catches, kills, has in possession, buys, sells, or offers for sale any crab (*Cancer magister*), of less than seven inches in breadth, measured straight across the back from point to point, or any female crab (*Cancer magister*), or who, between the thirty-first day of July and the fourteenth day of November, inclusive, of any year takes, catches, kills, has in possession, buys, sells, or offers for sale any crab (*Cancer magister*), shall be guilty of a misdemeanor; *provided*, this does not apply to crab meat, (*Cancer magister* or others) caught and prepared without the state and packed in sanitary tins marked to show the contents where taken and prepared; *further provided*, that the manufacturers or wholesalers of such crab meat (*Cancer magister* or others) caught and prepared without the state and packed in tins marked to show the contents thereof shall supply to the fish and game commission the name of such retailers or dealers in such crab meat; *provided*, that crabs from without the state may be imported into the state for sale at any time; *provided*, such crabs are duly inspected and tagged according to the rules and

Crab.

regulations to be prescribed by the fish and game commission. The cost of such inspection and tagging must be borne by the person or persons importing such crabs. Any person who shall at any time, pickle, can, or otherwise preserve any spiny lobster (*Panulirus interruptus*) or crab (*Cancer magister*), or who shall at any time sell any spiny lobster (*Panulirus interruptus*) or crab (*Cancer magister*) meat not in the shell of any such spiny lobster (*Panulirus interruptus*) or crab (*Cancer magister*), or who shall bring to shore any part or portion of any spiny lobster (*Panulirus interruptus*) or crab (*Cancer magister*) without the remaining portions of such spiny lobster (*Panulirus interruptus*) or crab (*Cancer magister*) in such condition that the size of any such spiny lobster (*Panulirus interruptus*) or crab (*Cancer magister*) can not be measured, shall be guilty of a misdemeanor.

(c) Every person who ships or offers for shipment or who transports or carries any species of crab taken in fish and game districts one and one-half, five, five "A," six, seven, eight, and nine to any place outside of said fish and game districts, or who holds any crabs in live cans within said fish and game districts, is guilty of a misdemeanor.

(d) None of the provisions of this act shall apply to spiny lobster caught or taken without the waters of this state, when said spiny lobster are caught in waters lying south for a distance of ten miles from the international boundary line between the United States and Mexico, extended westerly in the Pacific ocean, and bearing after inspection such evidence of having been so caught or taken as may be hereafter prescribed by the fish and game commission; *and be it provided*, that all the expenses of such inspection shall be borne by the importer of such spiny lobster; *and be it provided, further*, that all spiny lobster imported into this state shall be of the size prescribed in this section.

Spiny
lobster
caught
below
Mexican
boundary.

CHAPTER 421.

An act to amend section six hundred thirty-six of the Penal Code, relating to the protection of fish and game.

[Approved June 18, 1923.]

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

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

636. 1. Every person who shall use or operate, or who shall assist in using or operating any net, trap, line or other appliance for the purpose of taking or catching fish, mollusks or crustaceans in the State of California at any time, or in any manner, except as otherwise provided in this chapter, is guilty of a misdemeanor.

Regulation
of use of
lines, nets
and seines.

2. It shall be lawful to use drift gill nets in fish and game districts five, six, seven, eight, nine, ten, eleven, twelve, twelve "B", thirteen, fifteen, sixteen, seventeen, eighteen, nineteen

Gill nets.

and twenty-two, and to use set gill nets in fish and game districts seventeen, eighteen, nineteen and twenty "A"; *provided*, that in fish and game districts eleven, twelve, twelve "B" and thirteen the cork line of any gill net shall not be submerged more than twelve feet below the surface of the water, and that the lines attaching the buoys or floats to the cork line of such submerged nets be not more than twelve feet in length and that the points of attachment of said lines on the cork line be not more than ten fathoms apart; *provided, further*, that in fish and game districts eleven, twelve, twelve "B", and thirteen the meshes of the gill nets shall be approximately the same size and shall not vary in length more than one inch; *provided, further*, that nets are not to be used at any time in fish and game district twelve "A", and any net found in any boat in said district twelve "A" shall be prima facie evidence that the owner of said net was using same in said district; *provided, further*, that gill or trammel nets are not to be used in fish and game district twelve "B" between September seventeenth and November fourteenth of any year, both dates inclusive, or between June first and July thirty-first of any year, both dates inclusive; *provided, further*, that any gill or trammel net found in any fishing boat in fish and game district twelve "B" during said closed seasons shall be prima facie evidence that the owner of such net was using same in said fish and game district; *and provided, further*, that gill nets are not to be used or operated in fish and game district twelve between the first day of June and the thirty-first day of July of any year, both dates inclusive; and no gill nets shall be used or operated in fish and game district twelve between the sixteenth day of May and the thirty-first day of May of the same year, both dates inclusive, any of the meshes of which shall measure less than seven and one-half inches in length; *and provided, further*, that no gill nets are to be used or operated in fish and game district twelve between the first day of March and the fifteenth day of May of any year, both dates inclusive, the meshes of which measure between five and five-eighths inches and seven and one-half inches in length. Any line used on gill nets which shall tend to cause the webbing of such gill nets to bag or hang slack shall cause such net to lose its identity as a drift gill net and become a trammel net; *provided, further*, that any trammel net found in any boat at any time in fish and game district twelve shall be prima facie evidence that the owner of such net was using same in said fish and game district.

3. It shall be lawful to use trammel nets (also known as two-mesh and three-mesh nets) in fish and game district twelve "B", the minimum meshes of which shall measure not less than five and one-half inches in length; *provided*, that trammel nets or gill nets are not to be used in fish and game district twelve "B" between May sixteenth and May thirty-first, both dates inclusive, any of the meshes of which are, when drawn close together and measured inside the knots, less than seven and one-half inches in length.

Trammel
nets in dis-
trict
12 "B"

4. It shall be lawful to use trammel nets (also known as two-mesh and three-mesh nets) in fish and game districts ten, eighteen and nineteen, the minimum meshes of which shall measure not less than eight inches in length.

Trammel
nets in dis-
tricts 10, 18
and 19.

5. It shall be lawful to use purse nets and round haul nets (also known as circle seines or lampara nets) in fish and game districts five, six, seven, eight, nine, ten, eleven, fifteen, sixteen, seventeen, eighteen, nineteen, twenty "A", twenty-one and twenty-two; *provided*, that purse or round haul nets are not to be used in any fish and game district for the purpose of taking salmon, steelhead, striped bass or shad and that any person who has in possession any salmon, steelhead, striped bass or shad which have been caught with a purse or round haul net is guilty of a misdemeanor; *and provided, further*, that any beach seine, purse or round haul net or any gill net of less than five and one-half inch mesh, except herring or smelt gill nets in fish and game districts twelve and thirteen of not to exceed two and one-half inch mesh, found in any fishing boat in fish and game districts twelve or twelve "B" and thirteen at any time shall be prima facie evidence that the owner or person in possession of such net or nets was using same in said fish and game districts; *and provided, further*, that every person who in fish and game districts one, two and three has in possession on any boat any gill or trammel net is guilty of a misdemeanor; *and provided, further*, that in fish and game district fifteen, purse or round haul nets shall be used only for the purpose of taking fish for bait, and that in fish and game district sixteen purse nets or round haul nets shall be used only for the purpose of taking squids, anchovies and sardines.

Purse
nets and
round haul
nets.

6. It shall be lawful to use beach nets (also known as beach seines or haul seines) in fish and game districts five, eight, nine, ten, eleven, eighteen, nineteen and twenty-two; *provided*, that in fish and game district five the meshes of any such beach nets shall measure not less than five and one-half inches in length and that in fish and game districts ten, eighteen and nineteen the meshes of the beach nets shall measure not less than one and one-half inches in length; and beach nets shall only be used in fish and game district nineteen between the first day of September and the thirty-first day of January of the year following, both dates inclusive, and for the purpose of taking smelt only.

Beach
nets

7. For the purpose of this act, any net hauled from the water to the beach or shore for the purpose of taking fish, shall be known as a beach net.

8. It shall be lawful to use fyke nets in fish and game district twelve "B" for the purpose of catching catfish, carp, pike, hardheads and suckers between the fifteenth day of August and the fourteenth day of May of the year following, both dates inclusive; *provided*, that the smallest meshes of any fyke net so used shall measure not less than two and one-half inches in length; *provided, further*, that nothing in this

Fyke
nets.

chapter shall be construed as prohibiting the sale of catfish caught in fish and game district twelve "B" between the fifteenth day of August and the fourteenth day of May of the year following, both dates inclusive.

Trawl
nets.

9. It shall be lawful to use trawl nets (also known as paranzella nets, beam trawls or shrimp trawls) in fish and game districts five, six, seven, twelve, thirteen and eighteen; *provided*, that the use of any trawl net in fish and game districts twelve and thirteen shall be for the purpose of taking shrimp only; *and provided, further*, that it shall be unlawful to use trawl nets in any bay in fish and game district number eighteen; *and provided, further*, that it shall be unlawful to have any trawl net, also known as drag net, in possession in fish and game districts four, nineteen, twenty, twenty "A" and twenty-one.

Crab
nets.

10. It shall be lawful to use crab nets or crab traps in fish and game districts five, six, seven, eight, nine, ten, eleven, twelve, thirteen, seventeen, eighteen and nineteen, and lobster traps in fish and game districts seventeen, eighteen and nineteen.

Shrimp
nets.

11. It shall be lawful to use shrimp nets (also known as Chinese shrimp or bag nets) in fish and game district thirteen for the purpose of taking shrimp only.

Dip nets.

12. It shall be lawful to use dip nets for the purpose of taking fish other than game fish to be used as bait only, in any fish and game district, except fish and game district fourteen; *provided*, that in fish and game districts one, one and one-half, two, three and four, such dip nets shall not be baited; *and provided, further*, that any dip net in fish and game districts one, one and one-half, two, three, four, nineteen and twenty, shall not measure more than six feet in its greatest breadth; *and provided, further*, that it shall be unlawful for any person to have in his possession any nets other than such bait dip nets within fish and game district twenty.

Troll lines
or hand
lines.

13. It shall be lawful to use troll lines or hand lines in any fish and game district excepting fish and game district fourteen and to use trawl lines in fish and game districts five, five a, six, seven, ten, seventeen, eighteen and nineteen. It shall also be lawful to use trawl lines (also known as set lines) in any lake in fish and game district two having a surface area of not less than seventy-five square miles, for the purpose of catching catfish only; *provided*, that it shall be unlawful to use minnows or any species of young fish on hooks attached to such trawl line.

Spade,
shovel, etc.

14. It shall be lawful to use any spade, shovel, hoe, rake or other appliance operated by hand for the purpose of taking mollusks in fish and game districts one and one-half, two, three, four, five, five a, six, seven, eight, nine, ten, eleven, twelve, thirteen, fifteen, sixteen, seventeen, eighteen, nineteen and twenty-one.

Set nets
and set
lines.

15. Any net or line shall be considered a set net or set line that is made fast to the bank or ground or that shall be made fast in any way and shall not be free to drift with the tide or

current, and any net so placed that it will catch or impound fish within a bight, bay or estuary or against the shore, upon the receding of the tide shall be considered a set net; *provided*, that fyke nets, shrimp nets or crab nets shall not be considered set nets, nor trawl lines be considered set lines. The length of the meshes of any net shall be determined by taking at least four meshes and measuring them between the knots while they are simultaneously drawn closely together.

16. Nothing in this section shall prevent the fish and game commission, or persons authorized by them, from using any net or other appliance in any fish and game districts for the purpose of recovering fish from overflowed areas or land-locked sloughs or ponds where they have been left isolated by receding streams or flood waters.

Recovery
of fish in
overflowed
areas.

17. Nothing in this section shall prohibit the fish and game commission, or anyone authorized by them, from using such nets, traps or other appliances in the waters of the state as they may deem necessary for carrying on scientific investigation or for the propagation of fish, mollusks or crustaceans. Nothing in this section shall prohibit the fish and game commission, or any person authorized by them, from using nets, traps or other appliances in any fish and game district for experimental purposes.

Scientific
purposes.

18. Every person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars or by imprisonment in the county jail in the county in which the conviction shall be had, not less than one hundred days nor more than six months or by both such fine and imprisonment; and all fines and forfeitures imposed and collected for any violation of any of the provisions of this section shall be paid into the state treasury, to the credit of the fish and game preservation fund.

Penalties.

CHAPTER 422.

An act to amend section six hundred twenty-nine a of the Penal Code, relating to the protection of fish.

[Approved June 18, 1923.]

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

SECTION 1. Section 629a. Every person who takes, catches, kills or has in his possession any fish taken in any manner within two hundred fifty feet of any fishway, or within one hundred fifty feet of the lower side of any dam, or within one hundred fifty feet of the upper side of any fish screen, shall be guilty of a misdemeanor. Every person found guilty of violating any of the provisions of this section shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars, or imprisonment in the county jail of the county in which the conviction shall be had

Protection
of fish near
fishway or
fish screen.

not less than ten days nor more than six months. All fines and forfeitures imposed or collected for any violation of any of the provisions of this section shall be paid into the state treasury to the credit of the fish and game preservation fund.

CHAPTER 423.

An act to amend section six hundred thirty-four of the Penal Code, relative to the protection of fish and game.

[Approved June 18, 1923.]

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

SECTION 1. Section six hundred thirty-four of the Penal Code is hereby amended to read as follows:

Protection
of salmon.

634. 1. Every person who shall cast, extend or draw, or assist in casting, extending or drawing, any net or seine for the purpose of taking or catching any salmon at any time during the closed seasons, as provided in this act, or at any time between sunrise of Saturday and sunset of the following Sunday, is guilty of a misdemeanor.

In districts
1 and 1½.

2. Every person who, in fish and game districts numbers one and one and one-half, except with spear or hook and line, said hook and line to be used in the manner commonly known as angling, takes, catches or kills any salmon, or who at any time takes, catches or kills more than three salmon during any one calendar day is guilty of a misdemeanor. Every person who, in fish and game districts numbers two, two and one-half, except with spear or hook and line, said hook and line to be used in the manner commonly known as angling, takes, catches or kills any salmon, or who at any time takes, catches or kills more than one salmon during any one calendar day, is guilty of a misdemeanor.

In districts
3 and 4.

3. Every person who, in fish and game districts numbers three and four, except with hook and line; said hook and line to be used in the manner commonly known as angling, takes, catches or kills any salmon is guilty of a misdemeanor. Every person who, in fish and game districts one, one and one-half, two, three and four, between the first day of June and the thirty-first day of July of the same year, both dates inclusive, or between the seventeenth day of September and the fourteenth day of November of the same year, both dates inclusive, takes, catches or kills or has in his possession more than three fresh salmon during any calendar day, or who buys, sells, offers or exposes for sale any fresh salmon, is guilty of a misdemeanor; *provided*, that nothing in this act shall prohibit the possession or sale at any time of any salmon from without the state, or the possession or sale of any salmon lawfully taken in any fish and game district, except that salmon are not to be sold which are caught at any time in fish and game districts numbers one, one and one-half, two, two and one-half, three or four, or between the sixteenth day of Sep-

tember and the thirtieth day of April of the year following in fish and game district five A, or between the sixth day of September and the thirtieth day of June of the year following, both dates inclusive, in fish and game district six, or between the sixteenth day of August and the thirty-first day of May of the year following, both dates inclusive, in fish and game district seven, or between the sixteenth day of August, and the thirtieth day of April of the year following, both dates inclusive, in fish and game district ten, or between the sixteenth day of June and the thirty-first day of March of the year following, both dates inclusive, in fish and game districts sixteen, seventeen and eighteen.

All salmon which may be sold under the provision of this act between the seventeenth day of September and the fourteenth day of November, both dates inclusive, must be inspected and tagged according to regulations to be prescribed by the fish and game commission. The cost of such inspection and tagging must be paid by the person or persons submitting such salmon for inspection and tagging. Inspection of salmon to be sold.

4. Every person who, in fish and game district five, between the first day of December and the thirty-first day of August of the year following, both dates inclusive, takes, catches or kills any salmon except with hook and line, said hook and line to be used in the manner commonly known as angling, or takes, catches, kills or has in his possession more than three fresh salmon in any one calendar day, or buys, sells, offers or exposes for sale any fresh salmon, or who, at any time, takes, catches or kills any salmon with any net, any of the meshes of which are, when drawn closely together and measured inside the knots, less than five and one-half inches in length, is guilty of a misdemeanor. In district 5.

5. Every person who, in fish and game district five "A" at any time, except with hook and line, said hook and line to be used in the manner commonly known as angling, takes, catches or kills any salmon, or who between the sixteenth day of September and the thirtieth day of April of the year following, both dates inclusive, takes, catches, kills or has in his possession more than three fresh salmon in any one calendar day, or buys, sells, offers or exposes for sale any fresh salmon, is guilty of a misdemeanor. In district 5 "A."

6. Every person who, in fish and game district six, between the sixth day of September and the thirtieth day of June of the year following, both dates inclusive, except with spear or hook and line, said hook and line to be used in the manner commonly known as angling, takes, catches or kills any salmon, or takes, catches or kills or has in his possession more than three fresh salmon in any one calendar day, or buys, sells, offers or exposes for sale, any fresh salmon, or who, at any time, takes, catches or kills any salmon with any net, any of the meshes of which are, when drawn closely together and measured inside the knots, less than six and one-half inches in length, or who uses any net for the purpose of catching salmon in the daytime between the hours of six a.m. and eight p.m. between the first In district 6.

day of August and the fifth day of September of the same year, both dates inclusive, is guilty of a misdemeanor.

In district
7.

7. Every person who, in fish and game district seven at any time, except with hook and line, said hook and line to be used in the manner commonly known as angling, takes, catches or kills any salmon, or who between the sixteenth day of August and the thirty-first day of May of the year following, both dates inclusive, takes, catches, kills or has in his possession more than three fresh salmon in any one calendar day, or buys, sells, offers or exposes for sale any fresh salmon, is guilty of a misdemeanor.

In districts
8 and 9.

8. Every person who, at any time, in fish and game districts eight and nine, except with hook and line, said hook and line to be used in the manner commonly known as angling, takes, catches or kills any salmon, or takes, catches or kills more than three fresh salmon in any one calendar day, or buys, sells, offers or exposes for sale, any fresh salmon, is guilty of a misdemeanor.

In district
10.

9. Every person who, in fish and game district ten at any time, except with hook and line, said hook and line to be used in the manner commonly known as angling, takes, catches or kills any salmon, or who between the sixteenth day of August and the thirtieth day of April of the year following, both dates inclusive, has in his possession more than three fresh salmon in any one calendar day, or buys, sells, offers or exposes for sale, any fresh salmon, is guilty of a misdemeanor.

In districts
11, 12,
12 "B."
and 13.

10. Every person who, in fish and game districts eleven, twelve, twelve "B" and thirteen between the first day of June and the thirty-first day of July of the same year, both dates inclusive, and every person who in fish and game districts eleven, twelve, twelve "B" and thirteen between the seventeenth day of September and the fourteenth day of November of the same year, both dates inclusive, except with hook and line, said hook and line to be used in the manner commonly known as angling, takes, catches or kills any salmon, or takes, catches, kills or has in his possession more than three fresh salmon in one calendar day, or buys, sells, offers or exposes for sale any fresh salmon, or who, at any time, takes, catches or kills any salmon with any net, any of the meshes of which are, when drawn closely together and measured inside the knots less than five and one-half inches in length, or between May sixteenth and May thirty-first, both dates inclusive, takes, catches or kills any salmon with any net, any of the meshes of which are, when drawn closely together and measured inside the knots, less than seven and one-half inches in length, is guilty of a misdemeanor.

In district
12 "A."

11. Every person who, in fish and game district twelve "A," at any time, takes, catches or kills any salmon, except with spear or hook and line, said hook and line to be used in the manner commonly known as angling, or takes, catches, kills or has in his possession more than three fresh salmon in any one calendar day, or buys, sells, offers or exposes for sale, any fresh salmon, is guilty of a misdemeanor.

12. Every person who, in fish and game district fifteen, from the first day of September to the thirty-first day of March of the year following, both dates inclusive, takes, catches or kills any salmon, or who, at any time takes, catches or kills any salmon in any net, is guilty of a misdemeanor. In district 15.

13. Every person who, at any time in fish and game districts sixteen, seventeen and eighteen, takes, catches or kills any salmon, except with hook and line, said hook and line to be used in the manner commonly known as angling, or who, between the sixteenth day of June and the thirty-first day of March of the year following, both dates inclusive, takes, catches, kills or has in his possession more than three fresh salmon in any one calendar day, or who buys, sells, offers or exposes for sale any fresh salmon is guilty of a misdemeanor. In districts 16, 17 and 18.

14. For the purpose of this act and all acts relating thereto, only such fish as belong to the genus *Oncorhynchus* shall be considered salmon. Salmon defined.

15. Nothing in this act shall prevent the fish and game commission of this state, or persons authorized by them, from taking, at all times, and in any manner, such salmon as they may deem necessary for the purpose of propagation, or for scientific purposes. For propagation.

16. Any violation of any of the provisions of this act shall be punishable by a fine of not less than one hundred dollars nor more than five hundred dollars or by imprisonment in the county jail of the county in which the conviction shall be had, of not less than fifty days, nor more than six months, or by both such fine and imprisonment, and all fines and forfeitures imposed and collected for violations of the provisions of this act shall be paid into the state treasury, to the credit of the fish and game preservation fund. Penalty.

CHAPTER 424.

An act to amend section six hundred twenty-eight a of the Penal Code, relating to the protection of fish and game.

[Approved June 18, 1923.]

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

SECTION 1. Section six hundred twenty-eight a of the Penal Code is hereby amended to read as follows:

628a. Every person, who at any time, buys, sells, offers for sale or has in his possession any striped bass of less than three pounds in weight, or who between March first and May thirty-first, both dates inclusive, buys, sells, offers or exposes for sale or has in his possession any striped bass of more than ten pounds in weight, or who, except with hook and line, and in the manner commonly known as angling, takes, catches, kills or has in his possession any striped bass or shad between the seventeenth day of September and the fourteenth day of November, inclusive, of any year, or between the sixteenth

Protection of striped bass and shad.

day of May and the thirty-first day of July, both dates inclusive, of any year, or who, between the seventeenth day of September and the fourteenth day of November, inclusive, or between the sixteenth day of May and the thirty-first day of July, inclusive, of any year, takes, catches, kills or has in his possession more than five striped bass or shad, or who, between the seventeenth day of September and the fourteenth day of November, inclusive, or between the sixteenth day of May and the thirty-first day of July, inclusive, of any year, buys, sells, offers for sale, ships or offers for shipment, or receives for shipment or transportation, any striped bass, or who at any time offers for shipment, ships or receives for shipment or transportation from the State of California, to any place in any other state, territory or foreign country any striped bass is guilty of a misdemeanor. Every person who takes any striped bass or shad in a net, any of the meshes of which are, when drawn closely together and measured inside the knots, less than five and one-half inches in length, is guilty of a misdemeanor. Every person who shall cast, extend or draw, or assist in casting, extending or drawing any net or seine, for the purpose of taking or catching any shad or striped bass in any of the waters of this state at any time between sunrise of each Saturday and sunset of the following Sunday is guilty of a misdemeanor. Every person who, in fish and game district number two, takes, catches or kills more than five striped bass in any one calendar day, is guilty of a misdemeanor.

Limit.

Be it provided, that nothing in this section shall prohibit any person from having in his possession, in any one calendar day, not to exceed five striped bass between twelve inches in length and three pounds in weight, but such striped bass must be caught only with hook and line and must not be bought, sold or offered for sale, or shipped or offered for shipment.

And be it provided, further, that nothing in this section shall prohibit any person from holding in his possession, during the closed season of June and July, striped bass legally caught in open season, when the holder of such striped bass shall comply with the regulations to be prescribed by the fish and game commission. Every person who violates any of the provisions of this section is guilty of a misdemeanor.

CHAPTER 425.

An act to amend section six hundred twenty-nine of the Penal Code, relative to placing and maintaining screens in pipes, flumes, irrigating ditches, canals and mill races, taking water from any river, creek, stream or lake in which fish have been planted or may exist.

[Approved June 18, 1923.]

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

SECTION 1. Section six hundred twenty-nine of the Penal Code is hereby amended to read as follows:

629. It shall be the duty of the state board of fish and game commissioners to examine from time to time all mill races, irrigating ditches, pipes, flumes, tunnels and canals taking or receiving water from any river, creek, stream or lake in this state. Whenever in the opinion of the state fish and game commission it shall be necessary to screen any such mill race, irrigating ditch, pipe, flume, tunnel or canal in order to prevent fish from passing through or into such mill race, irrigating ditch, pipe, flume, tunnel or canal and away from any river, creek, stream or lake in which fish have been planted or may exist, the state fish and game commission shall order the person, company or corporation, irrigation district, or other political subdivision owning, leasing, controlling or having in charge any such mill race, irrigating ditch, pipe, flume, tunnel or canal to install and maintain a screen on such mill race, irrigating ditch, pipe, flume, tunnel or canal. Said order shall be in writing and shall specify the type, size, mesh, material and location of such screen and the time within which said screen must be installed.

Screens over mill races, pipes, etc.

After making and serving an order to install and maintain a screen as provided herein, the board of fish and game commissioners shall when requested by said owners, lessees or operators or said irrigation district or other political subdivision owning, leasing or operating such mill race, irrigating ditch, pipe, flume, tunnel or canal, fix a time and place in the county in which the intake of such mill race, irrigating ditch, pipe, flume, tunnel or canal is situated for the taking of evidence upon the question of the necessity of installing and maintaining such screen and cause a notice in writing of the time and place of hearing to be served upon said owner, lessee, or operator, or upon the secretary or director of an irrigation district, or upon the chairman of the board of trustees or officers holding a corresponding position of such political subdivision owning or operating such mill race, irrigating ditch, pipe, flume, tunnel or canal at least ten days before such hearing at such time and place designated in said notice testimony under oath shall be taken on the part of the board of fish and game commissioners and the person, company, corporation, irrigation district or other

Investigation as to necessity of screens.

Time for making request for hearing.

political subdivision requesting such hearing. If said request for a hearing upon the order herein specified is not made within ten days after the service of said order upon said person, company, corporation, irrigation district or other political subdivision, owners, lessees or operators of said mill race, irrigating ditch, pipe, flume, tunnel or canal said hearing shall be deemed to have been waived and said order herein specified shall become final.

Order for installation of screen.

If it appears from the evidence upon said hearing that fish exist or have been planted in the river, stream, creek, lake or other body of water from which said mill race, irrigating ditch, pipe, flume, tunnel or canal takes its waters, said board of fish and game commissioners shall make an order in writing and cause the same to be served on said owner, lessee or operator or on said irrigation district or other political subdivision owning or operating said mill race, irrigating ditch, pipe, flume, tunnel or canal; said order shall designate the point on said mill race, irrigating ditch, pipe, flume, tunnel or canal at which said screen shall be located, and the point on said mill race, irrigating ditch, pipe, flume, time within which said screen must be installed. Said time shall be not less than thirty days, nor more than six months, from the date of service of said order upon said owner, lessee, operator or upon said irrigation district or other political subdivision owning, leasing or operating said mill race, irrigating ditch, pipe, flume, tunnel or canal.

Taking of evidence.

The evidence in any investigation, inquiry or hearing, provided by this section, may be taken by any of the members of the board of fish and game commissioners, or such deputy fish and game commissioner, or employee, as the board may designate to take such evidence, and each member of the board and any of its deputies or employces designated to take evidence at the hearing provided hereby shall have the power to administer oaths, take affidavits and issue subpoenas for the attendance of witnesses at such hearings. Each witness, legally subpoenaed, attending at a hearing, shall receive for his attendance the same fees and mileage allowed by law to a witness in civil cases, which amount shall be paid by the party to whose request such witness is subpoenaed.

Witness fees.

Attendance of witnesses

The superior court in and for the county, or city and county, in which any inquiry, investigation, hearing or proceeding may be held under authority of this section shall have the power to compel the attendance of witnesses, the giving of testimony and the production of papers, as required by any subpoena issued under authority of this section. The commission, or representative of the commission, before whom the testimony is to be given or produced, in case of the refusal of any witness to attend or testify or produce any papers required by such subpoena, may report to the superior court in and for the county, or city and county, in which the proceeding is pending, by petition, setting forth that due notice has been given of the time and place of attendance of said witness, or the production of said papers, and that the witness has

been summoned in the manner prescribed in this act, and that the witness has failed and refused to attend or produce the papers required by the subpoena, before the commission or its representative, in the cause or proceeding named in the notice and subpoena, or has refused to answer questions propounded to him in the course of such proceeding, and ask an order of said court compelling the witness to attend and testify or produce said papers before the commission or its representative. The court, upon the petition of the commission or its representative, shall enter an order directing the witness to appear before the court, at a time and place to be fixed by the court in such order, the time to be not more than ten days from the date of the order, and there show cause why he has not attended and testified or produced said papers before the commission or its representative. A copy of said order shall be served upon said witness. If it shall appear to the court that said subpoena was regularly issued by the commission or its representative, the court shall thereupon enter an order that said witness appear before the commission or its representative at the time and place fixed in said order, and testify or produce the required papers, and upon failure to obey said order, said witness shall be dealt with as for contempt of court.

The commission or its representative, or any party, may, in any investigation or hearing before the commission or its representative, cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior courts of this state and to that end may compel the attendance of witnesses and the production of documents and papers.

Any person, company, or corporation and the directors or officers of any irrigation district or other political subdivision failing, refusing or neglecting to install or maintain such screen so ordered by the board of fish and game commissioners within the time prescribed in said order and any person, company, corporation and the directors or officers of any irrigation district or other political subdivision who suffers or permits said screen to get out of order or suffers or permits said screen to be removed or taken out of place while water is running in said mill race, irrigating ditch, pipe, flume, tunnel or canal shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars or imprisonment in the county jail of the county in which said conviction shall be had of not less than fifty days or by both such fine and imprisonment.

Continuance from day to day of failing or refusing to install or maintain said screen shall constitute a separate offense.

All fines and forfeitures imposed and collected for any violation of any of the provisions of this act shall be paid into the state treasury to the credit of the fish and game preservation fund.

CHAPTER 426.

An act providing for the organization, operation, maintenance, and government of water conservation districts, and for the acquisition, appropriation, diversion, storage, conservation, and distribution of water for irrigation of lands in such districts, for drainage and reclamation connected therewith; and for the generation, disposition, and sale of hydro-electric energy developed incidental to such storage and distribution; and for the acquisition of lands or rights therein and the acquisition, construction, operation, and maintenance of works to carry into effect the provisions of this act; and creating a state board to be known as the "state irrigation board," and defining its powers and duties, and the methods and procedure of exercising such powers and duties.

[Approved June 18, 1923.]

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

State irrigation board created.

SECTION 1. There is created a board to be known as the "state irrigation board," which board shall consist of the state engineer and two executive directors.

That said board shall constitute a body corporate and body politic for the purpose of exercising the powers and performing the acts herein mentioned, the said board shall have the power to sue and be sued.

Appointment of directors.

The executive directors provided for by the California water storage district act, Statutes of 1921, page 1727, and approved June 3, 1921, are hereby declared to be and are hereby constituted the two executive directors of the "state irrigation board" herein created; *provided, however*, that if any of the offices provided for in the said California water storage district act are vacated or declared vacant or abolished, the governor shall without delay appoint the executive members of said board herein created and said executive directors so appointed by the governor shall serve for four years and until their successors have been appointed. Their successors shall be appointed and all vacancies shall be filled by appointment in like manner.

Qualifications.

One of said executive directors shall have at least five years practical experience in irrigation, and the other of whom shall have at least five years experience in administration and both of whom shall be residents of this state and continue to be such residents during the term of their office.

Office.

The office of the state irrigation board herein created shall be at the city of Sacramento, in the State of California.

Compensation.

Each executive director shall receive as compensation the sum of twenty (20) dollars per day for each day actually employed in the performance of duties under this act and shall receive actual traveling expenses when engaged in the performance of such duties, which shall be charged as a part

of the cost of the project of the proposed water conservation district for which such duties are performed.

SEC. 2. The state engineer shall be the chairman of the state irrigation board herein created and said board shall employ a secretary and such attorneys, engineers and other employees and assistants as it may require and shall fix the term of their employment and compensation.

Officers and employees of board

SEC. 3. The state irrigation board shall have the power to unite into single districts in the manner and for the purposes provided in this act, irrigation districts, water storage districts, reclamation districts, drainage districts and other political subdivisions of the state, organized to promote irrigation, reclamation or drainage, which united districts shall be known and are herein referred to as water conservation districts; and the purposes of the formation of such districts being primarily to provide for the storage of waters and the development of hydro-electric energy in conjunction therewith and incidental thereto, to promote the irrigation of the lands therein, and in connection therewith and incidental thereto the reclamation and drainage and flood control of such lands. The legislature hereby declares that every such water conservation district, formed as herein provided, is and shall be an irrigation district within the meaning of section thirteen of article eleven of the constitution of the State of California, and within the meaning of every other provision of said constitution relating to irrigation districts. Such water conservation districts shall be composed of three or more units, all or any of which units shall be irrigation districts, water storage districts, reclamation districts, drainage districts, or other political subdivisions of the state organized to promote irrigation, reclamation or drainage or flood control.

Water conservation districts may be organized.

SEC. 4. Whenever three or more of such units, all or any of which units shall be irrigation districts, reclamation districts, drainage districts, water storage districts or other political subdivisions of the state organized to promote irrigation, reclamation or drainage or flood control now or hereafter to be formed, can use a common system of works and all the land situated therein be benefited by such works, the governing boards of any three or more of said units may present a petition to the state irrigation board herein created for the purpose and object of creating a water conservation district. Said petition shall designate by name or otherwise the units joined in such petition and the water to be stored, used or acquired and shall outline generally the character and location of the proposed works and pray that said units be united in pursuance of the provisions of this act so as to create a water conservation district.

Petition for organization.

Said petition shall be signed by the presiding officers and the secretary or clerk of the governing board of each of said units under seal of said units so petitioning said state irrigation board to form a water conservation district as herein provided.

Said petition may be contained in separate instruments presented by each unit or may be contained in one or more instruments presented by any or all of said units. Such petition must be accompanied by a certified copy of a resolution of the governing boards of each petitioning unit, authorizing the presiding officer and the secretary or clerk to execute the same.

Bond for costs.

Said petition must be accompanied with a good and sufficient undertaking or agreement to be approved by the state irrigation board herein created, conditioned that the sureties or signers shall pay all of the costs and expenses in connection with the investigation herein provided for in case said organization shall not be finally effected, and said state irrigation board herein created shall have power to require the furnishing of any additional undertaking, or undertakings, or payments of money in case they should deem the same necessary; *provided, however*, that the cost thereof shall not in the aggregate exceed in amount in dollars one-fourth the number of acres in such proposed water conservation district and shall be deemed a part of the expense of said project, and said state irrigation board herein created may require the same to be paid by the proponents of said district, and the sum so collected and expended by said state irrigation board shall be considered and treated as a proper and legal charge against the water conservation district and which shall be payable out of the funds of said water conservation district when the organization thereof has been completed.

If said district for any reason be not organized as herein-after provided for, any money remaining in the hands of said state irrigation board shall be returned to petitioners.

Time and place for hearing.

Upon presentation to it of a petition or petitions, as aforesaid praying for the formation of a conservation district, the state irrigation board herein created shall fix a time and place, which place shall be within the county in which the lands of said proposed water conservation district are situated and if the lands of such water conservation district are situated in more than one county, then in any one of such counties, at which it shall hear said petition, which time shall be not less than twenty-five (25) days, nor more than thirty (30) days, after the first publication of the notice hereinafter provided for in section five (5) of this act.

Notice of hearing.

SEC. 5. Said petition together with a notice stating the time and place of the hearing so fixed by said state irrigation board shall be published in each county in which any of the lands of said proposed district are situated in a newspaper of general circulation, published in such county at least once a week for three successive weeks before the date of said hearing; said notice shall be issued by the said state irrigation board herein created, shall refer to said petition and shall be directed to the petitioners therein, and to each of the units petitioning to form said water conservation district, and to all persons holding title or evidences of title to any lands included within the water conservation district proposed in

said petition, and to all persons having or claiming any right, title or interest in and to the waters proposed to be stored, acquired or used, as set out in said petition, and to all other persons who may be interested in or affected by the project contemplated in said petition, and to all or any persons in any way interested in or affected by said petition or the formation of said water conservation district, and shall be substantially in the following form:

Before the State Irrigation Board of the State of California:

To the petitioners in the foregoing petition and to each of the units petitioning to form said water conservation district, and to all persons holding title or evidence of title to any lands included within the water conservation district proposed in said petition, and to all persons having or claiming any rights, title or interest in and to the waters proposed to be stored, acquired or used as set out in said petition, and to all other persons who may be interested in or affected by the project contemplated in said petition, and to all or any persons in any way interested in or affected by said petition or the formation of said water conservation district:

Form of notice

You and each of you are hereby notified that the foregoing petition was filed with the state irrigation board on the _____ day of _____, 19__, and will be heard by said state irrigation board at _____ on the _____ day of _____, 19__, at the hour of _____ o'clock__m. of said day, at which time and place said state irrigation board will hear and receive evidence in support of said petition and any objections which may be presented thereto.

This notice is given pursuant to the provisions of an act approved _____ and known as California water conservation district act, to which said act particular reference is hereby made.

State Irrigation Board,
By _____ Chairman
By _____ Secretary

Dated _____

When contained in more than one instrument only one copy of said petition need be published but the name attached to all of said instruments must appear in such publication.

SEC. 6. At the time and place fixed in said notice the state irrigation board shall proceed to hear said petition and to determine whether or not the same complies with the requirements hereinbefore set forth and whether or not the notice filed herein has been published as required and must hear all competent and relevant testimony offered in support of or in opposition thereto.

Hearing.

Said hearing or any adjournment thereof may be conducted and heard by any one or more of the members of said state irrigation board. Said hearing may be adjourned from time to time as the state irrigation board or any member or members thereof conducting the same may determine.

For the purpose of performing any duty under this act the chairman of the state irrigation board may appoint one or more of its members to conduct any hearing or investigation. Such member or members shall make a written report to the state irrigation board of the proceedings taken at such hearing and shall state the evidence introduced at such hearing and his or their conclusions thereon.

Decision
of board.

Upon such report or upon such further hearing as the state irrigation board shall deem proper, the state irrigation board may pass upon and decide any question under consideration at said hearing. The decision of the state irrigation board shall be final except as to questions, the determination of which are vested in the courts by this act or by the constitution of this state or by the constitution of the United States.

No defect in the contents of the petition or in the title to or form of the notice or signatures to said notice or petition shall vitiate any proceedings thereon.

Exclusion
of units.

If there shall be presented at such hearing or at any time before the final order herein provided for of the state irrigation board, a written objection or objections signed by the owners of more than one-half of the lands in any such units or constituent districts, or a majority in numbers of the holders of title or evidence of title, according to the equalized county assessment roll or rolls for the year last preceding, the signing of such petition by the officers of such constituent district or unit shall be deemed to be nullified, and the state irrigation board shall have no power to include such unit or district within the proposed water conservation district.

Water and
power
survey.

SEC. 7. The state irrigation board shall before making a final order creating a water conservation district as in such act provided, proceed to make or cause to be made all such examinations, surveys, estimates of costs for the acquisition, appropriation, diversion, storage, conservation and distribution of water, any drainage or reclamation or flood control works in connection therewith and works for the generation of hydro-electric power incident thereto and the sale and distribution thereof, as may be necessary or requisite to enable said state irrigation board to ascertain and estimate the requirements and works necessary for the purpose of said water conservation district as prayed for in said petition and the cost and expense thereof, and to make a report thereon as herein provided.

In such connection said state irrigation board may use and adopt all previous estimates, surveys, reports and other data it may have acquired or which are available to it, adapted to that purpose and may employ all necessary engineers, attorneys and other assistants for the accomplishment of said purposes, and the cost thereof shall be deemed a part of the expense of the investigation and organization of such water conservation district as provided in section four hereof, and shall be a charge against said water conservation district if created.

Upon the completion of said examination and study of the proposed project by said state irrigation board, said board shall prepare a report thereof, in which report shall be set forth the character and nature of the proposed works, a description of the rights to water, to lands, and other property necessary to be acquired to carry said project to completion, accompanied by an estimate of the cost of said project. A copy of such report and estimate shall be kept on file in the office of the state irrigation board and be open to inspection during business hours by all interested persons or parties.

Report and estimate.

SEC. 8. The state irrigation board shall before making the final order creating a water conservation district, by order duly entered in its minutes, apportion to each constituent district or unit of said water conservation district, the portion to which it is entitled of all the water storage capacity in the proposed reservoir, the waters stored or to be stored or diverted or to be diverted by such project for the irrigation of the lands of the water conservation district, and all power developed or to be developed incidental thereto or in connection therewith, and in making such apportionment it must take into consideration the present water rights and the additional water necessary to perfect the irrigation of the lands of each unit, and the apportionment of power to each unit shall be in the same proportion to the whole as its apportionment of capacity in the reservoir, which proportion of such water and power shall be forever applied to the purpose and for the benefit of such constituent district or unit.

Apportionment of water, power, etc.

Said board shall likewise in such order determine, define and apportion to each of such constituent districts or units the proportion of all costs and expense of the project to be paid by it, including the costs and expenses of said irrigation board in connection therewith, same to be based upon and in proportion to the allotment of water storage capacity, water and power apportioned to each unit plus the benefit of reclamation or drainage or flood control to such unit. A copy of such order duly certified, shall be served on each of the constituent districts or units by delivering the same to some officer thereof, and provided that nothing herein contained shall be deemed to confer on said state irrigation board or upon any water conservation district formed under the provisions of this act the right to impair or deprive any person, corporation or district of any vested right in or to any water without due process of law.

Costs and expense

Service of order.

SEC. 9. When any of the proposed works of a water conservation district will serve the purpose of drainage, flood control or reclamation within a constituent district or unit of a water conservation district, the state irrigation board may estimate the proportion of the cost of said construction which may be properly charged to the constituent district or unit benefited by such drainage, flood control or reclamation and carry such amount into the total sum to be paid by such constituent district or unit.

Cost of work beneficial to particular district.

Order for
election.

SEC. 10. After making the order of apportionment provided for in section eight hereof the state irrigation board shall make an order directing the governing board of each unit or constituent district to call an election to be held on the one hundred twentieth day after the making of said order by said irrigation board apportioning the benefits and costs and expenses as herein provided.

Said order of the state irrigation board last above provided for shall contain the name of the proposed water conservation district and shall describe the territory embraced within such proposed water conservation district by naming the constituent units or districts proposed to be joined therein as set forth in the petition to said state irrigation board.

Call

Upon receiving and filing a copy of said order of said state irrigation board duly certified by the secretary of said board, it shall be the duty of the governing board of each of said constituent districts or units to call said election to be held as herein provided for.

Notice.

In addition to the matters and things required by the laws, rules, and regulations of the unit or district calling such election, the notice of such election shall contain the name of the proposed water conservation district and the description of the territory embraced within such proposed water conservation district by naming the constituent districts or units proposed to be joined therein as set forth in the petition to said state irrigation board.

Questions
submitted.

At such election there shall be submitted to the electors or voters in each of such units or districts the question as to whether or not a water conservation district shall be organized under the provisions of this act. At such election there shall also be submitted to the electors or voters in each of such units or districts the question whether or not bonds shall be issued and sold in an amount sufficient to pay its proportion of the costs and expenses allotted and apportioned to such unit by the state irrigation board in said order, plus fifteen per cent in addition thereto for contingencies. The ballots to be cast at said election shall contain the words, "Water conservation district—Yes" or "Water conservation district—No" or words equivalent thereto, and said ballots shall also contain the words "Bonds—Yes" or the words "Bonds—No," or words equivalent thereto.

Ballots.

Election
returns.

SEC. 11. Within ten (10) days after such election has been held and the result thereof determined, and declared it shall be the duty of the governing board of each petitioning constituent district or unit, to have the secretary of said governing board certify to the said state irrigation board, the result of such election and whether or not, said bonds have been voted, and whether or not the constituent district or unit represented by said governing board, has voted in favor of, or against the organization of said conservation district. Within ten (10) days after the state irrigation board receives the said certificates from all of the petitioning units or districts, said board shall enter an order that a conservation district is

Order
establishing
conservation
district.

established in accordance with the prayer of the petition: *provided*, all of the petitioning districts or units, have voted in favor of the organization of said conservation district and have voted the bonds at the election held for that purpose.

A certified copy of said order shall be served upon the secretary or other officer of the governing board of each of said constituent districts or units, and a copy thereof, duly certified, shall be recorded by said state irrigation board, in the office of the county recorder of each of the counties in which any of the lands, included in said water conservation district, are situated.

The board of directors of each constituent district or unit, shall enter upon its minutes, the certified copy of said order, so received by it.

The state irrigation board shall also, in said order establishing said water conservation district, divide said water conservation district into three, five, seven, nine or eleven subdivisions, as is most practicable, which said subdivisions shall be designated by number, and in making such subdivisions, the said board shall make the same as nearly equal in acreage as is practicable; *provided, however*, that districts or units or parts thereof created or formed, under different laws or acts of the legislature, shall not be joined or united into one subdivision. Divisions
of district.

A majority vote in each particular constituent district or unit shall be required to carry the election in said district or unit in favor of the organization of a water conservation district.

SEC. 12. Such water conservation district shall be governed by a board of directors consisting of one director elected from each of said subdivisions in the manner herein provided. Within sixty days after the making of said final order establishing the water conservation district, the state irrigation board shall give notice of an election to be held in each subdivision of such water conservation district for the purpose of electing a director from each subdivision, and shall fix and establish in said notice a convenient number of election precincts in each subdivision of said water conservation district, and define the boundaries thereof, and at least one precinct must be established for each subdivision of said water conservation district. There shall also be designated in said notice, a voting place or places in each subdivision and a board of election consisting of one clerk, one inspector and two judges for each voting place, the names of which said officers of election shall be specified in said notice. Said notice, as to the election in each subdivision, shall be posted in three public places in each election precinct, and published in a newspaper of general circulation published in each county in which any of the lands included within the boundaries of said water conservation district are situated, for at least two weeks prior to the date of said election. Government
of district.

Election
of directors.

Nominating petitions for directors to be elected at such election shall be filed with the state irrigation board in the man- Nominations.

ner hereinafter provided for filing of nomination petitions with the board of directors of a water conservation district.

Canvass
of returns.

On the second Monday after such election the state irrigation board shall meet at its usual place of meeting to canvass the returns, if at the time of the meeting the returns from each precinct in the water conservation district in which the polls were opened have been received, the state irrigation board must then and there proceed to canvass the returns; but if all the returns have not been received, the canvass must be postponed from day to day until all the returns have been received, or until six postponements have been had. The canvass must be made in public and by opening the returns and estimating the vote of each subdivision of the water conservation district for each director thereof voted for, and declaring the result thereof. The secretary of the state irrigation board must immediately make out and deliver to each person elected a director of a subdivision of the water conservation district a certificate of election signed by him and authenticated with the seal of said board.

Certificates
of election.

Organization
of board of
directors.

SEC. 13. The directors of a water conservation district shall at noon on the second Tuesday of the first month after their election and qualification meet and organize as a board, enter upon their official duties, elect one of their members as president and appoint a secretary and a treasurer neither of whom shall be a member of said board, and all of whom shall hold office at the pleasure of the board. The board shall select and designate an office of the board, which shall be in one of the counties in which any of the lands, of the water conservation district is situated, which shall also be the office of the district, at which the board shall thereafter hold its meetings.

The salary of the secretary and the treasurer and the amount of the bond to be given by each for the faithful performance of their duties shall be fixed by the board of directors. The board shall then proceed to classify themselves by lot into classes as nearly equal in number as possible, and the term of office of the class having the lesser number shall expire at noon on the second Tuesday in March following the next general February election provided for in this section of this act and the term of office of the class having the greater number shall terminate at noon on the second Tuesday in March following the next general election thereafter.

Biennial
elections.

An election which shall be known as the general water conservation district election, shall be held in each water conservation district on the first Wednesday in February of each odd-numbered year at which a successor shall be chosen to each director whose term of office shall expire at noon on the second Tuesday in March next thereafter. The term of office of each director of the district elected after the election on organization provided for in section twelve of this act shall be four (4) years or until his successor is elected and has qualified.

In case of vacancy in the office of director, the state engineer shall appoint some person qualified by law to fill such vacancy for the unexpired term. No director shall be elected by the water conservation district at large, but one director shall be elected from each subdivision to represent such subdivision. Vacancies.

Each director from each subdivision shall be a freeholder in the subdivision he represents.

A director or any other official of any constituent district or unit shall be eligible to hold the office of director of a water conservation district.

Within ten days after receiving their certificates of election or appointments herein provided for, each member of the board of directors shall take and subscribe the official oath, and file the same in the office of the board of directors, and execute the bond herein provided for. Each member of said board of directors shall execute an official bond in the sum of \$5,000, which said bond, shall be approved by a judge of the superior court of the county in which the office of the board is located, and shall be recorded in the office of the county recorder of such county, and filed with the secretary of said board. All official bonds herein provided for shall be in the form prescribed by law for the official bonds of county officers and the premiums thereon may be paid by the water conservation district. Oath and bond.

SEC. 14. Not less than ten (10) days before the election of directors any ten (10) or more qualified voters in any subdivision of the water conservation district may file with the board of directors of the water conservation district a petition requesting that a certain person or persons specified in such petition be placed on the ballot as a candidate or candidates for the office named in the petition. The name or names proposed by the various petitions so filed, and no others, shall be printed on the ballot; but there shall be sufficient blank spaces left in which voters may write other names, if they so desire. The petitions shall be preserved in the office of the board of directors of the water conservation district. Nomination of directors.

Thirty days before an election to be held under section thirteen of this act the secretary of the board of directors of a water conservation district shall cause notices to be posted in three public places in each election precinct of the time and place of holding the election, and shall also post a general notice of the same in the office of said board, which shall be established and kept at some fixed place to be determined by said board, specifying the polling places of each precinct. Prior to the time for posting the notices, the board must appoint for each precinct from the electors thereof a clerk, an inspector and two judges, who shall constitute a board of election for such precinct. If the board fails to appoint a board of election, or the members appointed do not attend at the opening of the polls on the morning of the election, the electors of the precinct present at that hour may appoint the board, or supply the place of an absent member thereof. The Notice of election.

Election boards.

board of directors must, in its order appointing the board of election designate the house or place within the precinct where the election must be held.

At all elections held under the provisions of this act, the polls shall be opened at eight o'clock a.m. and remain open until six o'clock p.m.

The inspector shall be chairman of the election board and may administer all oaths required in the process of an election; and appoint judges if, during the progress of the election, any judge ceases to act. Any member of the board of election may administer and certify oaths required to be administered during the progress of an election. Before opening the polls, each member of the board must take and subscribe an oath to faithfully perform the duties imposed upon him by law. Any voter of the precinct may administer and certify such oath.

Ballots.

The ballot used at the election of directors of a water conservation district, after the election of directors on organization, shall be provided by the board of directors of a water conservation district, and one of the judges of election at every election of directors of a water conservation district shall deliver to each of the qualified voters one of the ballots so provided. The ballots to be used in each subdivision for the election of a director from said subdivision shall have printed on them the names of all candidates whose names have been filed as provided in this act, with a voting square behind each name; *provided*, that the ballots in each subdivision of the water conservation district shall have on them the names of persons to be voted for as director to represent that subdivision only.

Election returns.

As soon as the polls are closed, the election officers shall count the votes cast at such election, and a certificate shall be drawn by said election officers stating the number of votes each candidate received, and the result of said election. The certificate as aforesaid shall be signed by an inspector and judge of such election board. The election returns shall be immediately delivered by the inspector or by some other safe and responsible carrier designated by said inspector to the secretary or other officer of the water conservation district. No returns from election shall be set aside or rejected for want of form if they can be satisfactorily understood. The board of directors of the water conservation district must meet at the usual place of meeting on the first Monday after election to canvass the returns. If, at the time of meeting, the returns from each precinct in the district in which the polls were opened have been received, the board of directors must then and there proceed to canvass the returns; but if all the returns have not been received the canvass must be postponed from day to day until all the returns have been received or until six (6) postponements have been made. The canvass must be made in public and by opening the returns and ascertaining the vote of each subdivision of the water conservation district for each director voted for and declaring the result thereof.

Canvass of returns.

The person receiving the highest number of votes in any election held in a subdivision of a water conservation district for the election of directors shall be elected as director. Highest number of votes.

The secretary of the water conservation district must immediately make out and deliver to each person elected a certificate of election signed by him and authenticated with the seal of said water conservation district. Certificates of election.

The board of directors of a water conservation district shall establish a convenient number of election precincts in each subdivision of a water conservation district and define the boundaries thereof, and at least one such precinct must be established for each subdivision of said water conservation district, and said board whenever it is deemed advisable for the best interests of said district, and the convenience of the voters may at any time, but not less than sixty days before an election to be held in the district, change the boundaries of any such election precincts, which changes when made must be entered upon the minutes of the board. Election precincts.

Sec. 15. Except as herein otherwise provided, all the laws, rules and regulations and amendments and modifications thereto governing the voting, issuance, sale, form, contents, terms and conditions of bonds of each particular unit or district in which the same are voted and issued shall apply to and govern the voting, issuance, sale, form, contents, terms and conditions of the bonds herein authorized. Issuance of bonds.

Except as herein otherwise provided, the manner of conducting and holding elections, qualification of voters, the necessary number of votes to carry any proposition submitted at any election shall be governed by the same laws, rules and regulations and amendments and modifications thereto of the particular district or unit in which said election is held.

Sec. 16. The directors when sitting as a board or acting under the orders of the board shall receive not to exceed ten (10) dollars per day and twelve (12) cents per mile for each mile traveled from his place of residence to the office of the board, such mileage to be computed by the shortest traveled route, and all necessary expenses paid while engaged in official business under orders of the board. Compensation of directors.

The board of directors shall hold a regular meeting on the second Tuesday of each month at the place selected as the office of the board; *provided*, that the board may, by resolution duly entered upon its minutes, fix any other time as the time for its regular monthly meeting, but no change in the time of holding regular meetings of the board shall be made until after the resolution proposing such change has been published once a week for two successive weeks in a newspaper published in the county in which the office of the district is located. Such special meetings of the board of directors may be held as may be required for the proper transaction of the business of the district, but a special meeting must be ordered by a majority of the board. The order must be entered of record, and three days notice thereof must be given by the secretary to each Meetings of board.

director not joining in the order. The order must specify the business to be transacted and no other business than that specified in the order may be transacted, at such special meeting, unless all the members are present and consent to the consideration of any business not specified in said order. All meetings of the board must be public and a majority of the members shall constitute a quorum for the transaction of business, but on all questions requiring a vote, except a motion to adjourn, or a motion to adjourn to a stated time, there shall be a concurrence of at least the number constituting a quorum. A smaller number of directors than a quorum may adjourn from day to day. All records of the board shall be open to public inspection during business hours. Whenever any act is required to be done or proceeding taken by this act, or by an act supplemental or amendatory thereto, on the second Tuesday in any month, such act may be had or proceedings had upon the day specified in the resolution hereinbefore referred to as the time for the regular meeting of the board of directors.

Water and
power
survey.

SEC. 17. The board of directors of a water conservation district shall, as soon as it is organized, proceed to make or cause to be made all such examinations, surveys, plans and specifications and estimates of costs for the acquisition, appropriation, diversion, storage, conservation and distribution of water, any drainage or reclamation works connected therewith and the generation of hydro-electric energy incident thereto and the sale and distribution thereof as may be necessary or requisite to enable said board to ascertain and estimate the requirements and works necessary for the purposes of said water conservation district, as prayed for in said petition and the cost and expense thereof, and to make a report thereof as herein provided.

In such connection said board may use and adopt all previous estimates, surveys, reports and other data it may have acquired or which are available to it adapted to that purpose, and may employ all necessary engineers, attorneys and other assistants for the accomplishment of said purposes, and the cost thereof shall be deemed a part of the expense of the water conservation district and shall be a legal charge against said water conservation district.

Report,
plans and
estimates.

Upon the completion of said examination and study of the proposed project by said board, it shall prepare a report thereof in which report shall be set forth in detail the character and nature of the proposed works in order to carry said project to completion, such report to be accompanied by an estimate of the cost of said project. A copy of such report, plans and estimates shall be kept on file in the office of the board and open for inspection by all interested persons or parties. Such plans and reports may thereafter be modified at any regular meeting of the board by an affirmative vote of a two-thirds majority of all the members of said board.

SEC. 18. The board of directors shall have the power and it shall be its duty to manage and conduct the business affairs of the water conservation district; to adopt a seal; to make and execute all necessary contracts; to employ and appoint such agents, officers and employees as it may require and prescribe their duties and fix their compensation. The board shall have the right to enter upon any lands to make surveys, locate works or for any other necessary and lawful purpose. The board shall have the power to construct, maintain, improve and operate the necessary dams, reservoirs and works for the storage and distribution of water and any drainage, flood control and reclamation works connected therewith, and to provide for the generation and distribution of hydro-electric energy incidental to such storage and distribution.

Powers and
duties of
board of
directors.

The board shall also have the right to acquire by purchase, lease or contract, all lands, water, water rights or any use thereof or interest therein, and any other property or rights by it deemed necessary for the construction, maintenance, improvements and operation of the works or the carrying out of the project of the water conservation district, including the property and rights of private owners and stock of corporations.

Said board may also enter into, and do any act necessary or proper for the performance of, any agreement with any county, district, public corporation, or municipality of any kind, for any purpose appertaining to, or beneficial to, the project of the water conservation district, and may acquire the right to store water in any reservoir; or to carry water through any canal, ditch or conduit not owned or controlled by such water conservation district, and may grant to the owner or lessee of a right to the use of any water, permission to store such water in any reservoir of the water conservation district, or to carry such water through any canal, ditch or conduit of the water conservation district.

The said board is hereby authorized and empowered to take conveyances, leases, contracts or other assurances for all property acquired by it under the provisions of this act, in the name of such water conservation district, to and for the use and purposes herein expressed, and to institute and maintain all actions and proceedings, suits at law or in equity necessary or proper in order to fully carry out the provisions of this act; or to enforce, maintain, protect or preserve any and all rights, privileges and immunities created by this act or acquired in pursuance thereof. All contracts and other documents executed by the board shall be signed by its president and its secretary, under seal and in all actions, suits or proceedings the said board may sue, appear and defend in person or by attorneys and in the name of such water conservation district.

The said board shall have power generally to perform all such acts as may be necessary to fully carry out the provisions of this act.

Condemnation
proceedings.

SEC. 19. The board of directors shall have the right and power to acquire by condemnation all lands, waters, water rights, or any use thereof, or interest therein, and any other property or rights, except the property or rights of the units thereof, by it deemed necessary for the construction, maintenance, improvement and operation of the works, or the carrying out of the project of the water conservation district. In the case of condemnation proceedings the board shall proceed in the name of the water conservation district under the provisions of section fourteen of article one as amended of the constitution of the State of California, and title seven, part three of the Code of Civil Procedure of California, and all pleadings, proceedings and process in said title provided it shall be applicable to the condemnation proceedings hereunder.

Rights of
way.

The board of directors shall have power to construct the said works across or intersecting any stream of water, water course, street, avenue, highway, railway, canal, ditch, or flume, in such manner as to afford security for life and property; but said board shall restore the same, when so crossed or intersected, to its former state as near as may be, or in a sufficient manner not to have impaired unnecessarily its usefulness; and every company whose railroad shall be intersected or crossed by said works shall unite with said board in forming said intersections and crossings, and grant the privileges aforesaid; and if such railroad company and said board, or the owners and controllers of said property, thing, or franchise to be so crossed, can not agree upon the amount to be paid therefor, or the points or the matter of said crossings or intersections, the same shall be ascertained and determined in all respects as is herein provided in respect to the taking of land. The right of way is hereby given, dedicated, and set apart for the location, construction, and maintenance of said works over and through any of the lands which are now or may be the property of this state; and also there is given, dedicated, and set apart, for the uses and purposes aforesaid, all waters and water rights belonging to this state within the district.

Construction
of projects.

SEC. 19a. The board of directors shall proceed to carry out the project of the district in accordance with the plans and specifications of the duly approved and adopted report of the board.

Bids.

When such work is to be done said board shall give notice by publication thereof in the county in which the office of said board is located once a week for four successive weeks, calling for bids for same. If less than the whole work provided for in said plans and specifications is to be done and advertised, the portion to be done must be particularly described in said notice. Said notice shall refer to the plans and specifications of the work to be done and state that the same can be seen at the office of the board and that the board will receive sealed proposals therefor, and that the contract will be let to the lowest responsible bidder, stating the time

and place for opening said proposals, which at the time and place appointed shall be opened in public; and as soon as convenient thereafter the board shall let said work, either in portions or as a whole, to the lowest responsible bidder; or it may reject any and all bids and readvertise for proposals or may proceed to construct the works under its superintendence; *provided*, that in case of emergency or urgent necessity the board of directors, by unanimous vote of those present (provided there is a quorum present) at any regular or special meeting, may award contracts without advertising for bids, but the amount of said contract so awarded shall not exceed fifty thousand dollars (\$50,000). All contracts for the purchase of material shall be awarded to the lowest responsible bidder, provided the purchase price of such material is in excess of fifty thousand dollars (\$50,000).

Any person or persons to whom a contract may be awarded shall enter into a bond, with good and sufficient sureties, to be approved by the board, payable to the water conservation district for its use, for twenty-five per cent of the amount of the contract price, conditioned for the full and faithful performance of said contract.

The work shall be done under the direction and to the satisfaction of and be approved by the board.

It shall be the duty of the board to see that all contractors doing work for the conservation district carry compensation insurance on all employees.

SEC. 20. Each of the constituent districts or units of a water conservation district is hereby expressly authorized to vote, issue and sell its bonds for the purposes herein provided in this act, and said bonds are to be in all respects of the same force and effect, and of the same priority as a lien on property as other bonds voted, issued and sold by such constituent district or unit under the particular law or laws governing the voting, issuance and sale of bonds by such constituent district or unit.

SEC. 21. If the amount originally contributed and paid into said water conservation district by said constituent districts or units shall be insufficient to complete the system and works of said project, the board of directors of said water conservation district, shall thereupon estimate and determine the amount required to complete said system and works, according to the original plans and specifications thereof, and shall thereupon apportion and allot to each of said constituent districts or units, its proper proportion of said additional cost of the completion of said system and works of said project; said apportionment shall be made upon the same basis as the original apportionment of the cost of construction of said system and works of said project, as is provided for in this act, and thereupon, the said board of directors shall, by resolution, duly adopted and entered upon the minutes of said board of directors of said water conservation district, make requisition upon each of said constituent districts or units for its proportion of said additional cost, and a copy of

Levy of assessments.

which said resolution, duly certified to, shall be served upon the secretary or other officer of the governing board of each constituent district or unit. Upon receiving said copy of said resolution, it shall be the duty of the governing board of each of said constituent districts or units, and each of said constituent districts or units is hereby given the power to levy, assess and collect an assessment in the amount called for by said resolution and requisition, which said amount shall be levied, assessed and collected in like manner as the levy, assessment and collection of assessments under the particular law or laws governing the levy, collection and assessment of assessments of each of the said respective constituent districts or units.

Apportionment of maintenance and operation.

SEC. 22. The board of directors of said water conservation district is hereby expressly given the power, and it shall be its duty, from time to time, as occasion may require, to estimate and determine the amount of money required, after the completion of said project, for the maintenance, repair and operation of said system and works and also for the expenses of the management and operation of said water conservation district, and shall also fix and allot the proportion of said estimated amount to be borne or paid by each of said constituent districts or units, which said allotment or apportionment, shall be in the same proportion to each of said constituent districts or units, as the apportionment or allotment of the original cost of said project as hereinbefore provided for. The board of directors of the water conservation district shall thereupon, by resolution, entered in its minutes, make requisition upon each constituent district or unit, for its proportion of said additional cost and expense, a copy of which said resolution duly certified, shall be served upon the secretary or other officer of the governing board of each constituent district or unit.

Levy of assessments.

Upon receiving said resolution, it shall be the duty of the governing board of each constituent district or unit, and each constituent district or unit is hereby given the power to levy, assess, collect and pay over to said water conservation district, the amount of its proportion of said additional cost and expense. Such assessments shall be levied, assessed and collected by each constituent district or unit in like manner as the levy, assessment and collection of assessments, under the particular law or laws, governing the levy, assessment and collection of assessments of each of the said respective constituent districts or units.

Bonds.

Each constituent district or unit, in lieu of levying, assessing and collecting an assessment for the purpose of raising funds to pay its amount or share of any apportionment or allotment, as provided for in section twenty-one of this act, may vote, issue and sell bonds for the purpose of raising said funds, and each of said constituent districts or units is hereby expressly given and granted the power to vote, issue and sell bonds for said purpose.

SEC. 23. Whenever the board of directors of any constituent district or unit of a water conservation district, shall by resolution, declare that it deems it desirable that any contemplated or outstanding bonds of such constituent district or unit issued under the provisions of this act, including any bonds of such constituent district or unit authorized but not sold, shall be available, for the purpose provided for in section seven of an act of the legislature of the State of California, entitled "An act relating to bonds of irrigation districts, providing under what circumstances such bonds shall be legal investments for funds of banks, insurance companies, and trust companies, trust funds, state school funds and any money or funds which may now or hereafter be invested in bonds of cities, cities and counties, school districts or municipalities, and providing under what circumstances the use of bonds of irrigation districts as security for the performance of any act may be authorized," approved June 13, 1913, as amended, the said board of directors shall thereupon file a certified copy of such resolution, with the commission created by, and provided for in, said act of June 13, 1913, which commission, and the state controller in connection therewith, are hereby given the same power and authority in respect of the investigation and certification of bonds issued by any constituent district or unit, under this act as is given to them in respect of the investigation and certification of irrigation district bonds by said act, as amended, except as the same may be limited by, or inconsistent with, any provision of this act, and bonds of any constituent district or unit provided for in this act which have been so investigated and certified and by authority of such investigation and certification are declared to be legal investments for the purposes stated in said act of June 13, 1913, as amended, may be lawfully purchased, or received in pledge for loans by savings banks, trust companies, insurance companies, guardians, executors, administrators, and special administrators, or by any public officer or officers of this state or of any county, city, or city and county, or other municipal or corporate body within this state having or holding funds which they are allowed by law to invest or loan.

Certification
of bonds
as legal
investments.

SEC. 24. For the purposes of this act each calendar year shall be divided into two (2) fiscal periods. the first period consists of the first six (6) months of the year, and the second period consists of the second six (6) months of the year, and at the regular monthly meeting of March and September of each year, the water conservation district board shall estimate and determine the amount of money that said conservation district will require for the purposes provided by this act during the next succeeding fiscal period, and any requisition herein provided for in this act to be made by the water conservation district upon any of said constituent districts or units for the payment to said water conservation district of its proportional share of the amount of money required by said estimate and determination of said board of directors of said water conservation district shall be made at the beginning of said first

Fiscal
periods.

Estimates.

Requisitions.

period, and it shall thereupon be and become the duty of each of the said constituent districts or units to pay the same to said water conservation district before the commencement of the next succeeding fiscal period.

Warrants
in payment
of claims.

SEC. 25. All claims against the water conservation district shall be paid by warrants of said water conservation district. Said warrants must be signed by the president and secretary of the board and drawn on the treasurer of the conservation district and paid by him out of the funds of such conservation district and said treasurer shall make a monthly report to the board of the money received by him of the amounts expended and the total sum on hand.

Directors
not to be
interested in
contracts.

SEC. 26. No director or officer of the conservation district shall in any manner be interested directly or indirectly in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom; and for the violation of this provision such director or officer shall be deemed guilty of a misdemeanor, and conviction shall work a forfeiture of his office, and he shall be punished by a fine, not to exceed five thousand dollars, or for imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

Limitation
on incurrence
of debts.

SEC. 27. The board of directors or other officers of a water conservation district shall have no power to incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the express provisions of this act; any debt or liability in excess of such provisions shall be and remain absolutely void; *provided*, that nothing contained in this section shall be construed as limiting the right of the board to enter into any contract for the use or lease of any lands, water, water rights, or other property, as in this act provided and by such lease or contract to bind the district for the payment of the rentals or consideration specified in such lease or contract.

Distribution
of water
and power.

SEC. 28. The board shall have power and it shall be its duty to distribute to each of the units of a conservation district the proportion of stored water to which it is entitled at its point of diversion from the stream, and may use a stream or natural water course for such purpose. The board shall also have power and it shall be its duty to distribute to the units of a conservation district the proportion of hydro-electric energy to which it is entitled and may desire for its use within such unit, same to be delivered at the place where it is generated; and all hydro-electrical energy not so distributed shall be sold by the board of directors of the conservation district, and the proceeds resulting from such sale shall be distributed to the units in accordance with their respective interests therein.

Sale of
surplus.

Limitations
upon powers
of board.

SEC. 29. The board of directors of a water conservation district shall not have the power to modify, change or alter the distributing system or works of any of the constituent districts or units nor shall said board of directors have any jurisdiction or control over the distribution of water to the land owner within the boundaries of any of the constituent districts or units. Nor shall said board have the power to condemn by law the water, water rights or other property of a constituent

district or unit without first having obtained a written consent of the managing board of such constituent district or unit.

SEC. 30. The rights of way, ditches, flumes, pipelines, drains, water rights, reservoirs and other property used for the purposes of a water conservation district and belonging to it shall not be taxed nor assessed for state, county or municipal purposes.

No tax on district property.

It is hereby declared that the State of California has a paramount interest in the storage, conservation and diversion of water, the prevention of floods, the irrigation, drainage, and reclamation of land and the production of electric energy; and that such storage, conservation, diversion, irrigation, prevention of floods, reclamation, drainage, and production of electric energy will make productive vast quantities of land that are comparatively unproductive and will increase production, property valuations, and population in the state, make profitable the cultivation of small tracts and promote subdivision of larger tracts, and will promote the welfare and prosperity of all the people. The powers herein conferred upon the state irrigation board and the board of directors of a water conservation district and all other powers herein conferred are hereby declared to be police and regulatory powers and are necessary to the accomplishment of a purpose that is indispensable to public interests. The use of all water required for the irrigation of the lands of any district formed under the provisions of this act and for domestic and other incidental and beneficial uses within such district, together with the rights of way for canals and ditches, sites for reservoirs and all other property required in fully carrying out the provisions of this act is hereby declared to be a public use, subject to the regulation and control of the state, in the manner prescribed by law.

Police and regulatory powers.

SEC. 31. The state irrigation board and the board of directors of every water conservation district shall, respectively, cause to be entered in books to be kept for that purpose a complete and connected record of all their acts and transactions, which shall be kept and preserved on file in their respective offices and open to inspection by the public during business hours. Said records and all documents, instruments, or other papers filed as above provided, or a copy or copies of any thereof certified to by the secretary of the state irrigation board or the secretary of the board of directors of the water conservation district, shall be received in evidence without further proof in any court of this state, or before any board or tribunal authorized to hear or consider a matter wherein the same shall be properly admissible in evidence.

Records to be open to inspection.

Use in evidence.

During the construction of any works in carrying out the project of any water conservation district, the board of directors of such district shall, at least every sixty (60) days, forward to the state engineer, a report of the progress of such construction, together with a statement of the amount or amounts paid for the doing of such work. The board of

Reports and financial statements.

directors of a water conservation district, at their regular monthly meeting in January of each year, shall render and immediately thereafter, cause to be published in the county where the office of said board is situated, at least once a week, for two successive weeks, a verified statement of the financial condition of the district, showing particularly the receipts and disbursements of the last preceding year, together with the source of such receipts and the purpose of such disbursements.

Reports to state engineer.

Immediately after the publication of such statements, the board of directors of the water conservation district shall cause a copy thereof, accompanied by a report stating the progress of the work under construction and the general condition of the project, and whether or not the same is being satisfactorily and successfully carried out and any other matter which the board may deem proper to be filed with the state engineer who shall examine said statement and report and make to the board of directors such recommendations and comments as he may deem proper and may publish said recommendations and comments in such manner as may be deemed advisable. Said state engineer may at any time make or cause to be made an examination of the affairs of any water conservation district within the state or call upon the board of directors of such district for such information as he may desire, and may make and publish such report thereon as he may deem advisable.

Legal title to property of district.

SEC. 33. The legal title to all property acquired under the provisions of this act shall by operation of law, immediately upon the acquisition thereof, vest in the water conservation district by which it is acquired, and shall be held by such district in trust for the uses and purposes set forth in this act, and is hereby dedicated and set apart to said uses and purposes. The board of directors is hereby authorized and empowered to hold, use, manage, occupy, and possess said property and may determine by resolution duly entered upon its minutes, that any property, real or personal, held by the district is not necessary for the uses and purposes thereof and may sell the same for an adequate consideration; and a conveyance or transfer of any of the property of a district executed by the president and secretary of its board of directors in pursuance of a resolution of the board adopted as above provided, shall convey good title to the property.

Disposition of same.

Vested rights.

SEC. 34. Nothing in this act contained shall be so construed as to affect or impair the vested right of any person, association, or corporation to the use of water.

Title of act.

SEC. 35. This act shall be known and may be referred to in any action, proceeding, or legislative enactment, as the "California water conservation district act."

Constitutionality of act.

SEC. 36. If any section, subdivision, sentence, clause, or phrase of this act be for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act, and the legislature hereby declares that it would have passed this act and each and every other

section, subdivision, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subdivisions, sentences, clauses, or phrases of this act be declared unconstitutional.

CHAPTER 427.

An act to amend sections one thousand five hundred eighty-five, one thousand five hundred eighty-six and one thousand five hundred eighty-seven of the Political Code, relating to the formation of union elementary school districts.

[Approved June 18, 1923.]

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

SECTION 1. Section one thousand five hundred eighty-five of the Political Code is hereby amended to read as follows:

1585. *First*—When a majority of the heads of families who reside in two or more contiguous elementary school districts, and who have children attending school as shown by the teachers' registers in the schools of the said districts in the same county for the current or next preceding term, shall unite in a petition to the county superintendent of schools for the formation of a union school district, to comprise the districts so petitioning, he shall, within twenty days after receiving said petition, call an election for the determination of the question, and shall appoint three qualified electors in each of the districts petitioning, to conduct the election therein. Said election shall be held separately and simultaneously in the public school-house in each of the districts petitioning and shall be called by posting notices thereof in three of the most public places in each district, one of which places shall be the public school-house in each district, at least ten days before said election. Said election shall be conducted by the officers appointed for that purpose in the manner provided by law for conducting school elections. The ballots at such election, in each district, shall contain the words, "for the union school district," and the voter shall write or print after said words on his ballot the word "yes" or the word "no." It shall be the duty of said election officers in each district to canvass the vote at said election, and report the result to the county superintendent of schools within five days subsequent to the holding of said election.

Second—If a majority of the votes cast at such election in each and every one of the school districts petitioning shall be in favor of such union school district, the county superintendent shall, within fifteen days after receiving the returns of the election held therein, appoint a board of trustees as provided in section one thousand five hundred eighty-eight of this code, and shall notify the county assessor, the county clerk and the county auditor of the formation of such union school district.

Union school districts, how formed.

Election

Canvass of vote.

Appointment of trustees.

Name of district and location of school.

Third—The trustees shall name the union school district, and shall have power to make temporary arrangements for the location of one or more union schools therein, and, if satisfactory apartments or buildings in a suitable location are offered or can be procured, for a consideration or at a rental which would make it advisable to accept the same, they shall have the power to secure an option of a lease on such apartment or building for a period not to exceed three years from the first day of July next ensuing. Within forty days after their selection they shall notify the county superintendent of schools that they desire to meet to locate one or more union schools in and for such union district. Thereafter the trustees shall meet in conjunction with the county superintendent of schools at a time and place to be named by the superintendent, for the purpose of determining the location of such union school or schools. At such meeting the superintendent shall be the chairman and shall be entitled to vote and participate in all its proceedings. Should said trustees fail to agree unanimously upon a location for such school or schools, they shall propose in writing to the county superintendent then present, or, if he is not present, they shall transmit to his office, within ten days, the names of the locations which they, or any of them, favor. Within twenty days after receiving such notice, the superintendent shall call an election in the same manner as the election for the formation of the union school district, to determine the location of the union school or schools. At such election only such sites as have been named by the trustees and certified to the county superintendent shall be voted upon. Any form of ballot by which the voter signifies his choice of location or locations shall be allowed. The result of said election shall be determined and certified to the county superintendent, within five days subsequent to the holding of said election. The location or locations which receive the largest number of votes shall be chosen as the location or locations of the school or schools.

Election.

Special elections, etc.

Fourth—The board of trustees elected or appointed for the union school district shall have power to call elections for the issuance of bonds or for special taxes and to select employees and arrange for the organization of school for the next ensuing school year.

SEC. 2. Section one thousand five hundred eighty-six of the Political Code is hereby amended to read as follows:

Joint union districts.

1586. *First*—A union school district formed of elementary school districts not all in the same county, is designated a joint union school district.

How formed.

When a majority of the heads of families residing in two or more contiguous school districts not all in the same county and who have children attending the schools in the districts petitioning as shown by the teachers' registers for the current or next preceding term shall unite in a petition to the county superintendents of their respective counties for the formation of a joint union school district, to comprise the districts so petitioning, it shall be the duty of each of said superintendents,

within twenty days after receiving said petition, to call an election in the district or districts in his county petitioning, for the purpose of determining the question, and appoint three qualified electors in each of such petitioning districts, to conduct the election therein. Said election shall be called and conducted in all respects as specified in section one thousand five hundred eighty-five of this code, except that the form of ballot shall be: "For the joint union school district," and the result thereof shall be reported by the election officers in each district to the superintendent of the county in which such district is situated, within five days subsequent to the holding of said election. Election.

Second—If a majority of the votes cast at such election in each and every one of the school districts petitioning shall be in favor of such joint union school district, the county superintendents of the counties interested acting together shall, as provided in section one thousand five hundred eighty-eight of this code, within fifteen days after receiving the returns of the election, appoint a board of trustees. The superintendent having the greatest number of pupils in average daily attendance in the elementary schools in the territory of the joint district within his county shall appoint a majority of the board of trustees, and the other superintendent or superintendents shall appoint the remainder of the board as may be agreed upon by said superintendents. Appointment of trustees.

The trustees shall meet at a time and place to be agreed upon among themselves, and name the joint union school district. The location of the joint union school, or schools, shall be determined by the joint action of the trustees and the county superintendents of the counties, in manner and form as provided for the location of a union school or schools. Name of district and location of schools.

SEC. 3. Section one thousand five hundred eighty-seven of the Political Code is hereby amended to read as follows:

1587. *First*—Proceedings for the formation of a union or joint union school district may be begun at any time, but the school districts uniting to form a union or joint union school district, shall remain under the control of their respective boards of trustees until the first day of July next succeeding the formation of the union or joint union district and the location of the union or joint union school, or schools, on which first day of July the districts uniting to form the union or joint union school district shall cease to exist, except for purposes specified in sections one thousand five hundred eighty-five to one thousand five hundred ninety-one inclusive of this code, and the terms of office of the school trustees in said districts shall expire, and the district property of each district so uniting shall vest in such union or joint union district and pass to the control of the board of trustees of such district, to be held and disposed of by them, according to the provisions of this code relating to the powers and duties of boards of school trustees. Union or joint union districts.

Second—The proceeds of any sale by the board of trustees of the union or joint union school district, of school property Sale of school property.

that originally belonged to any of the original districts, must first be applied to the discharge of any bonded or other indebtedness of such original district.

Any balance on hand in any fund remaining to the credit of such elementary districts shall be transferred to the credit of the union school district.

CHAPTER 423.

An act to amend section one thousand five hundred eighty-eight of the Political Code relating to the appointment and election of union and joint union elementary school trustees.

[Approved June 18, 1923.]

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

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

Trustees.

1588. *First*—In every union or joint union school district, the governing board shall be composed of five members who shall be elected at large from the elementary school districts composing the union for the term of three years, excepting as hereinafter provided. When any union or joint union school district is formed, the superintendent or superintendents of schools who may have jurisdiction over the same, shall, within fifteen days thereafter, appoint a board of school trustees of five members for the union or joint union school district. Each member so appointed shall hold office until the first day of May next succeeding such appointment.

Annual election.

Second—The regular annual election of members of the union or joint union school district board shall be held at the same time as the regular annual election of school trustees as provided in section one thousand five hundred ninety-three of the Political Code; said election shall be called by the union school district board which shall designate a polling place in each of the elementary school districts composing the union or joint union school district at which the electors of such school district may vote. The union or joint union school district board shall give the same notice of said election and appoint the same number of election officers in each elementary school district composing the union as are required for the election of school trustees in elementary school districts. Said election shall be held in the same manner as are elections of school trustees, and the returns thereof shall be at once sent to the clerk of the union or joint union district board. Said board shall meet on the seventh day thereafter at one o'clock p.m. and canvass said returns and issue certificates of election to the persons elected and file duplicates thereof with the superintendent of schools having jurisdiction over such union or joint union school district. After each member's term expires, his successor shall be elected in like manner for the term of three years and until his successor shall be elected or appointed and

qualified. Vacancies on the board shall be filled by appointment by the superintendent of schools having jurisdiction over the union or joint union school district, the appointee to hold office for the remainder of the unexpired term. Vacancies.

Third—At the first election for members of the board of school trustees of the union or joint union school district, one member shall be elected to hold office for one year, two members for two years and two members for three years from the first day of May next succeeding. Thereafter, the successors shall be elected as hereinbefore provided. Terms at first election.

CHAPTER 429.

An act to repeal section six hundred twenty-six u of the Penal Code, relating to the protection of game.

[Approved June 18, 1923.]

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

SECTION 1. Section six hundred twenty-six u of the Penal Code is hereby repealed. Repealed.

CHAPTER 430.

An act to amend section six hundred twenty-six o of the Penal Code, relating to the shooting from moving boats, moving vehicles or airplanes, also relating to use of certain guns and nets.

[Approved June 18, 1923.]

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

SECTION 1. Section six hundred twenty-six o of the Penal Code is hereby amended to read as follows:

626o. 1. Every person, who, in the State of California, shoots at any kind of game bird or mammal, except whale, from power boat, sail boat, automobile or airplane, is guilty of a misdemeanor. Shooting game from boat, etc.

2. Every person who in fish and game districts seven A, eight and nine shoots at any kind of water fowl from a scull boat on any day of the week other than Wednesday or Sunday, is guilty of a misdemeanor. Use of scull boats.

3. Every person who shall use a shotgun of larger gauge than that commonly known and designated as a number ten gauge or who shall use or have in possession any shotgun capable of carrying more than six shotgun shells is guilty of a misdemeanor. Gauge of guns, etc.

4. Every person who shall use or have in his possession any firearms commonly known as a "cane gun" or gun of similar character or any bird net, is guilty of a misdemeanor. Possession of "cane gun," etc.

CHAPTER 431.

An act to amend section one of an act entitled "An act to further divide the state into fish and game districts by establishing a district specially suited for propagation of game and to provide for the management and protection thereof," approved May 26, 1917, as amended.

[Approved June 18, 1923.]

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

Stats. 1917,
p. 1166,
amended.

SECTION 1. Section one of an act entitled "An act to further divide the state into fish and game districts by establishing a district specially suited for propagation of game and to provide for the management and protection thereof," approved May 26, 1917, as amended, is hereby amended to read as follows:

"Mount
Tamalpais
game
refuge"
created.

Section 1. For the protection, conservation and propagation of game animals, except fish, there is hereby set apart and established a district to be known as "Mount Tamalpais game refuge," the boundaries of which are hereby determined to be as follows, to wit: All that certain territory within the county of Marin, bounded and described as follows, to wit:

Boundaries.

Beginning at the intersection of the easterly shore of inner Bolinas bay with the northwesterly boundary line, extended, of the Stinson ranch conveyed to A. H. Stinson et al. by decree of distribution dated the twenty-eighth day of July, 1911, and recorded in the office of the county recorder of Marin county in book one hundred thirty-seven of deeds at page one hundred two; thence northeasterly along the said northwesterly boundary line to the southwesterly boundary line of the lands of the Marin municipal water district on the top of Bolinas ridge; thence northwesterly, northeasterly, and easterly along the southwesterly and the northwesterly boundary line of the watershed lands of the said Marin municipal water district to a point therein where the boundary line of that certain tract of land known as the Lagunitas dairy tract crosses the old county road formerly leading from Fairfax to Bolinas; thence northerly along said road and along the Fairfax and Bolinas county road, to a point in the southwesterly line of the right of way of the Northwestern Pacific railroad company near Fairfax station; thence along the said last mentioned line in a southerly direction past the railroad stations at San Anselmo, Kentfield and Corte Madera, to its intersection with the southerly line of the road or highway immediately south of Alta station, thence following the southerly line of said road or highway to its intersection with the southerly line of the state highway between Alta and Belvedere; thence following the southerly and southwesterly line of said highway to the end of said highway; thence southwesterly along the northwesterly line of the county road to its intersection with the northwesterly line of the town of Belvedere; thence following the north-

westerly line of the town of Belvedere, to its extreme westerly point; thence in a direct line from this point to the extreme northeasterly point of the town of Sausalito; thence southwesterly along the said northwesterly line of the town of Sausalito, to its intersection with the Northwestern Pacific railway; thence following the right of way of the Northwestern Pacific railway, to its intersection with Humboldt street, extended on the westerly boundary of the lands of the Sausalito Land and Ferry company, as said street is laid down and delineated on the official map of said lands filed in the office of the county recorder of Marin county in rack number one, pull number nine; thence southerly along the westerly line of said Humboldt street and the westerly line of Tennessee avenue of the same tract, to the corner common to ranches E, F, and A, as said ranches are delineated on the Tamalpais Land and Water Company's map number three, filed in said recorder's office in map book number one, page one hundred four; thence southwesterly along the southeasterly boundary lines of ranches E, I, and K, as shown on said last mentioned map, to the shore of the Pacific ocean; thence northwesterly along the shore of the Pacific ocean and across the easterly end of the Bolinas sandspit, and along the easterly shore of inner Bolinas bay, to the point of beginning, excepting from the area of said Mount Tamalpais game refuge all lands lying within the exterior boundaries of any incorporated town. Boundaries.

CHAPTER 432.

An act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin and Feather rivers of the State of California, by controlling the floods, removing the debris and continuing the improvement of the Sacramento river, California, in accordance with the plans of the California debris commission contained in the report of said commission submitted August 10, 1910, and transmitted to the speaker of the house of representatives of the United States by the secretary of war on June 27, 1911, and printed in house of representatives document number eighty-one of the first session of the sixty-second United States congress, as modified by the report of said commission submitted February 8, 1913, approved by the chief of engineers of the United States army and the board of engineers for rivers and harbors and printed in rivers and harbors committee document number five, sixty-third United States congress, first session, in so far as said plan provides for the rectification and enlargement of river channels and the construction of weirs; and making an appropriation for such work; and providing for the continuance of such work as provided by section two of an act of the congress of the United States entitled "An act to provide for the control of the

floods of the Mississippi river and of the Sacramento river, California, and for other purposes," approved March 1, 1917.

[Approved June 13, 1923.]

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

Appropriation: flood control, etc., Sacramento river.

SECTION 1. The sum of four hundred thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, which shall be available July 1, 1923, for controlling the floods, removing the debris and continuing the improvement of the Sacramento river, California, in accordance with the plans of the California debris commission contained in the report of said commission submitted August 10, 1910, and transmitted to the speaker of the house of representatives of the United States by the secretary of war on June 27, 1911, and printed in house of representatives document number eighty-one of the first session of the sixty-second United States congress, as modified by the report of said commission submitted February 8, 1913, approved by the chief of engineers of the United States army and the board of engineers for rivers and harbors and printed in rivers and harbors committee document number five, sixty-third United States congress, first session, in so far as said plan provides for the rectification and enlargement of river channels and the construction of weirs.

Purpose of act.

SEC. 2. The appropriation made by section one of this act is made in compliance with the provisions of section two of that certain act of congress of the United States entitled "An act to provide for the control of the floods of the Mississippi river and of the Sacramento river, California, and for other purposes," approved March 1, 1917, and shall be paid to the treasurer of the United States whenever a like sum of four hundred thousand dollars shall have been appropriated or authorized to be appropriated by the congress of the United States, conditional on the payment of an equal amount by the State of California, for the prosecution of said work pursuant to section two of said act of congress.

Expenditure by California debris commission.

SEC. 3. The money hereby appropriated, when paid to the treasurer of the United States, shall be expended under the direction of the California debris commission and in such manner as it may require or approve, and as provided in section two of said act of congress; and none of the money so appropriated shall be expended in the purchase of or payment for any right of way, easement or land acquired for the purposes of said improvement.

Warrants in favor of U. S. treasurer.

SEC. 4. The controller of the State of California is hereby authorized and directed, upon request of the governor, to draw his warrant or warrants on the state treasury in favor of the treasurer of the United States for the amount hereby appropriated, and the state controller is hereby directed to pay the same.

SEC. 5. If the congress of the United States shall not appropriate the full sum of four hundred thousand dollars for the prosecution of said work in accordance with section two of said act of congress, as hereinbefore referred to, but shall appropriate a less sum or sums from time to time for said purpose, then the said sum hereby appropriated shall become available and be paid over to the treasurer of the United States, for said purpose as hereinbefore provided, in such sum or sums from time to time as may equal the sum or sums so appropriated or authorized to be appropriated by congress.

Appropriations by U. S.

CHAPTER 433.

An act to amend section sixty-seven a of the Code of Civil Procedure, relating to the superior court of Los Angeles county.

[Approved June 19, 1923.]

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

SECTION 1. Section sixty-seven a of the Code of Civil Procedure is hereby amended to read as follows:

67a. In counties of the first class there shall be twenty-eight judges of the superior court, any one or more of whom may hold court, and there may be as many sessions of said court at the same time as there are judges thereof. The said judges shall choose from their own number, a presiding judge, who may at any time be removed as presiding judge and another judge chosen in his place by a vote of any fifteen of them. The presiding judge shall distribute the business of the court among the judges thereof, and prescribe the order of business and perform such other duties as the judges of the said court may by rule provide. The judgments, orders, and proceedings of any session of the superior court held by any one or more of the judges of the said court shall be equally as effective as if all the said judges of said court presided at such session. Within thirty days after this act goes into effect, the governor shall appoint five additional judges of the superior court in counties of the first class, in addition to the twenty-three superior court judges already provided by law in and for the said counties of the first class, who shall hold office until the first Monday after the first day of January, 1925. At the next general election to be held in November, A. D. 1924, five additional judges of the superior court shall be elected in counties of the first class who shall be successors of the judges appointed hereunder, to hold office for the term prescribed by the constitution and by law. The salaries of the other judges shall be the same in amount and be paid in the same manner and at the same time as the salaries of the other judges of the said counties of the first class now authorized by law.

Judges in counties of the first class [Los Angeles county].

CHAPTER 434.

An act to provide for the survey of a tract to be called the Lassen national volcanic park and to make an appropriation therefor.

[Approved June 19, 1923.]

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

Appropriation: survey of Lassen national volcanic park.

SECTION 1. Out of any money in the state treasury, not otherwise appropriated, there is hereby appropriated the sum of eight thousand dollars which shall be used and expended for the purpose of making a preliminary survey of the territory embracing Mount Lassen, and territory contiguous thereto, known as the Lassen national volcanic park.

Cooperation with U. S.

SEC. 2. The state department of public works is hereby authorized and empowered to cooperate with the national park service of the United States government in the survey of said land; *provided, however,* that the money herein appropriated shall not become available until there shall have been deposited in the state treasury for this purpose, the sum of three thousand dollars by the United States government; said money hereby appropriated to be expended in accordance with the directions of the authorities of the United States government.

CHAPTER 435.

An act to amend section six of an act entitled "An act to establish police courts in cities of the first and one-half class, to fix the jurisdiction of said courts, and to provide for the officers thereof, to prescribe the powers and duties of the officers of said courts, and to fix the compensation of certain officers thereof, and to repeal an act entitled 'An act to establish police courts in cities of the first and one-half class, to fix their jurisdiction and provide for officers of said courts and fix the compensation of certain officers thereof,' which became a law under the provisions of the constitution of the State of California without the governor's approval, on the fifth day of March, 1901, and all acts amendatory of said act or supplementary thereto," approved June 6, 1913, as amended.

[Approved June 20, 1923.]

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

Stats. 1921, p. 1311, amended.

SECTION 1. Section six of an act entitled "An act to establish police courts in cities of the first and one-half class, to fix the jurisdiction of said courts, and to provide for the officers thereof, to prescribe the powers and duties of the officers of said courts and to fix the compensation of certain officers thereof and to repeal an act entitled 'An act to establish police courts in cities of the first and one-half class, to fix their jurisdiction and provide for officers of said courts and

fix the compensation of certain officers thereof' which became a law under the provisions of the constitution of the State of California without the governor's approval on the fifth day of March, 1901, and all acts amendatory of said act or supplementary thereto," approved June 6, 1913, as amended is hereby amended to read as follows:

Sec. 6. Said police court shall have a clerk and fourteen ^{Clerks.} deputy clerks. Said clerk shall be ex officio clerk of the city justices or either of them. Either of said deputy clerks may perform any of the duties of clerk of said police court, or either of said justice's courts. Said clerk or one of said deputy clerks shall attend in each department of said court while said department is in session, and at such other times as may be necessary for the proper transaction of the business of such department. Any act or duty devolving upon or required to be performed by said clerk may be performed by him through either of said deputies with like validity and effect as though performed by himself.

Said clerk and seven of said deputy clerks shall be elected ^{Selection by judges.} by a majority vote of the judges of said court. Each judge shall appoint one deputy clerk and should the position filled by such deputy become vacant, such judge shall fill said vacancy by appointment as before. Should the position filled by the clerk or either of the seven elected deputies become vacant, such vacancy shall be filled by said judge by election ^{Term.} as above provided. The term of office of said clerk and each of said deputy clerks shall be four years from the date of his appointment; *provided*, that the judges of said court may, by a majority vote, remove said clerk or any deputy for wilful neglect of duty or misconduct in office.

Said clerk and each of said deputy clerks shall, before ^{Bonds.} entering upon the duties of his office, give a bond conditioned for the faithful performance of his duties. If such bond is executed by a surety company, the city shall pay the premium thereon. Said bonds shall be approved by the mayor and city attorney and filed with the city auditor. The bond of the clerk shall be in the sum of ten thousand dollars, and that of each deputy in the sum of five thousand dollars.

Said clerk shall receive an annual salary of three thousand ^{Salaries.} dollars and each deputy clerk shall receive an annual salary of two thousand seven hundred dollars, both payable in equal monthly installments, out of the treasury of said city, which salary shall be full compensation for all services rendered by him.

Said clerk and each of said deputy clerks shall, in the performance of their duties, be subject to the orders of said court, and may, by order of the presiding judge, pursuant to the vote of a majority of the judges of said court, be assigned to any department of said court, or any duty required to be performed by a clerk of said court.

Any money which is or may come into the hands of the ^{Deposit of money with city treasurer.} clerk as such clerk, and which is not and may not, in the regular course of the business of said court, become payable

into the city treasury, and which has so remained in the hands of said clerk for a period of six months without being claimed by the owner, shall by said clerk be deposited with the city treasurer in a special fund subject to the order of said court. At any time within five years from the deposit of any such money with the city treasurer, any judge of said police court may upon satisfactory proof of the ownership of such money, or any part thereof, make an order directed to said city treasurer requiring the payment of such money or such part thereof, to such owner, and the said treasurer shall, upon presentation of such order, pay said money or part thereof to such owner. Any such money remaining in such fund in the hands of the city treasurer five years from its deposit therein by said clerk shall be reported by said treasurer to the city council of said city, and shall be transferred to and become a part of the reserve fund of said city.

Duties of
clerk.

Said clerk or either of said deputy clerks, while acting as clerk of a department of said court, shall keep a record of the proceedings of said court and issue all processes ordered by the said city justices or either of them, or by said police court or a judge thereof. Said clerk shall receive and pay into the city treasury all fines imposed and collected by said court and all forfeitures of cash deposited in lieu of bail, in said court, and all other moneys which may come into his hands belonging to or payable to said city. He shall also render each month to the city council an exact and detailed account, under oath, of all fines imposed and collected and of all fines imposed and uncollected since his last report, which said account shall also show the amount of money remaining in his hands at the date of said account which is or may become payable to said city and has not been deposited with the city treasurer as above required. With the approval of the city auditor of the city in which said police court is held, said clerk may deposit any money in his hands, as such clerk, which has not become payable to said city, in a bank, in a special account, and it shall be the duty of said clerk at any time, at the said city auditor's request, to give said auditor full information as to the condition of said account.

Said clerk or either of said deputy clerks may prepare and approve bonds and may, in the absence of a judge of said court, fix the amount of bail to be required of any defendant charged in such court with any offense of which such court has jurisdiction; and may also justify bail, and may administer and certify oaths. Said clerk and his said deputies shall remain at the courtroom or other office of said court during business hours, and during such reasonable times thereafter as may be necessary for a proper performance of their duties; and said clerk or one or more of his deputies shall be in attendance at such office at all times, for the purpose of fixing and receiving bail and performing such other duties as may be required of him or them.

Before receiving any monthly payment of salary said clerk shall make and file with the city auditor an affidavit that he

has deposited with the city treasurer all moneys that have come into his hands belonging to the city. Any violation of this provision shall be a misdemeanor.

Said clerk, by himself or deputies, shall keep, compile and be the custodians of the dockets, files and records of said court. Said dockets shall, in civil cases, be kept in conformity to the provisions of sections nine hundred eleven, nine hundred twelve, nine hundred thirteen and nine hundred fourteen of the Code of Civil Procedure of the State of California. In criminal cases the docket shall contain in each case:

1. The title of the case.
2. A minute entry of the filing of demurrer, if any.
3. A minute entry of any motion to dismiss, or for change of venue, or continuance, or any motion ruling or order affecting the disposition of the case, and waiver of jury, if jury be waived.
4. The plea of defendant.
5. Any order of the court fixing bail or setting time for hearing of demurrer or motion to dismiss, or setting the case for trial.
6. The names of the witnesses sworn and examined at the trial.
7. The verdict.
8. The time set for rendering judgment, if judgment is not pronounced immediately after verdict or plea of guilty, and the waiver of time for sentence, if there be such waiver.
9. The judgment.
10. A minute of all motions, rulings and orders made after verdict or judgment.
11. The dates of the various actions or things required to be recorded.

Docket in
criminal
cases.

CHAPTER 436.

An act to amend section one hundred three of the Code of Civil Procedure, relating to justices of the peace and to justice's courts; and relating to the salaries of certain justices of the peace.

[Approved June 20, 1923.]

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

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

103. There shall be at least one justice's court in each of the townships of the state, for which one justice of the peace must be elected by the qualified electors of the township, at the general state election next preceding the expiration of the term of office of his predecessor. In any county where, in the opinion of the board of supervisors, the public convenience requires it, the said board may, by order, provide that two justice's courts may be established in any township, designating the same in such order; and in such

Justice's
court's and
justices.

Two courts.

case, one justice of the peace must be elected, in the manner herein provided, for each of said courts.

In cities.

In every city of the first and one-half class there must be seven justices of the peace, and in every city of the second class there must be two justices of the peace, and in every city of the second and one-fourth, second and one-half, second and three-fourths, third and fourth classes there must be one justice of the peace, to be elected in like manner, by the electors of such cities or towns, respectively; and such justices of the peace of cities shall have the same jurisdiction, civil and criminal, as justices of the peace of townships and township justice's courts. Said justices of the peace of cities and justice's courts of cities shall also have jurisdiction of all proceedings for the violation of any ordinance of any city in which courts are established both civil and criminal, and of all actions for the collection of any license required by any ordinance of any such city, and generally exercise all powers, duties and jurisdiction, civil and criminal, of police judges, judges of police courts, recorder's courts or mayor's courts, within such city.

Jurisdiction

Qualifications of justices.

No person is eligible to the office of justice of the peace in any city of the first, first and one-half, second, second and one-fourth, second and one-half, second and three-fourths or third class, who has not been admitted to practice law in this state; and no justice of the peace shall be permitted to practice law before another justice of the peace in the city, town or county in which he resides, or to have a partner engaged in the practice of law in any justice's court in any such city, town or county. Every city justice of the peace in any city of the first and one-half class shall receive a salary of four thousand two hundred dollars per annum. Every city justice of the peace in any city of the second class shall receive a salary of four thousand per annum. Every city justice of the peace in any city of the second and one-fourth class shall receive a salary of three thousand dollars per annum. Every city justice of the peace in any city of the second and one-half class shall receive a salary of four thousand per annum. Every city justice of the peace in any city of the second and three-fourths class shall receive a salary of two thousand four hundred dollars per annum. Every city justice of the peace in any city of the third class shall receive a salary of two thousand four hundred dollars per annum. Every city justice of the peace in any city of the fourth class shall receive a salary of one thousand five hundred dollars per annum.

Salaries.

Offices.

Each of said justices of the peace shall be provided by the city authorities, or by the board of supervisors, in counties where the salary of the city justice of the peace is paid by the county, with a suitable office in which to hold his court. The compensation of the justice of the peace of any city shall be paid by warrants drawn each month upon the salary fund, or if there be no salary fund, then upon the general fund of such city or county as the case may be; such warrants to be

audited and paid as salaries of any other city or county officials. All fees which are chargeable by law for services rendered by such city justice of the peace in cities aforesaid shall be by them respectively collected and on the first Monday of each month, every such city justice, or his clerk, shall make a report under oath, to the city or county treasurer, as the case may be, of the amount of fees so by him collected, and pay the amount so collected into the city or county treasury, as the case may be, to the credit of the general fund thereof. Said salaries shall be the sole compensation of said city justice. Fees.

Where the number of city justices herein fixed for any city exceeds the number elected at the last general election, the board of supervisors of the county in which such city is situated shall, as soon as is practicable after this amendment takes effect, make appointments in the manner provided by law, to fill such vacancies. Vacancies.

CHAPTER 437.

An act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin and Feather rivers of the State of California, by controlling the floods, removing the debris and continuing the improvement of the Sacramento river, California, in accordance with the plans of the California debris commission contained in the report of said commission submitted August 10, 1910, and transmitted to the speaker of the house of representatives of the United States by the secretary of war on June 27, 1911, and printed in house of representatives document number eighty-one of the first session of the sixty-second United States congress, as modified by the report of said commission submitted February 8, 1913, approved by the chief of engineers of the United States army and the board of engineers for rivers and harbors and printed in rivers and harbors committee document number five, sixty-third United States congress, first session, in so far as said plan provides for the rectification and enlargement of river channels and the construction of weirs; and making an appropriation for such work; and providing for the continuance of such work as provided by section two of an act of the congress of the United States entitled "An act to provide for the control of the floods of the Mississippi river and of the Sacramento river, California, and for other purposes," approved March 1, 1917.

[Approved June 20, 1923.]

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

SECTION 1. The sum of five hundred thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, which shall be available July 1, 1924, for controlling the floods, removing the debris and con- Appropriation flood control, etc., Sacramento river.

tinuing the improvement of the Sacramento river, California, in accordance with the plans of the California debris commission, contained in the report of said commission submitted August 10, 1910, and transmitted to the speaker of the house of representatives of the United States by the secretary of war on June 27, 1911, and printed in house of representatives document number eighty-one on the first session of the sixty-second United States congress, as modified by the report of said commission submitted February 8, 1913, approved by the chief of engineers of the United States army and the board of engineers for rivers and harbors and printed in rivers and harbors committee document number five, sixty-third United States congress, first session, in so far as said plan provides for the rectification and enlargement of river channels and the construction of weirs.

Purpose
of act.

SEC. 2. The appropriation made by section one of this act is made in compliance with the provisions of section two of that certain act of congress of the United States entitled "An act to provide for the control of the floods of the Mississippi river and of the Sacramento river, California, and for other purposes," approved March 1, 1917, and shall be paid to the treasurer of the United States whenever a like sum of five hundred thousand dollars shall have been appropriated or authorized to be appropriated by the congress of the United States, conditional on the payment of an equal amount by the State of California, for the prosecution of said work pursuant to section two of said act of congress.

Expenditure
by California
debris
commission.

SEC. 3. The money hereby appropriated, when paid to the treasurer of the United States, shall be expended under the direction of the California debris commission and in such manner as it may require or approve, and as provided in section two of said act of congress; and none of the money so appropriated shall be expended in the purchase of or payment for any right of way, easement or land acquired for the purposes of said improvement.

Warrants in
favor of U. S.
treasurer.

SEC. 4. The controller of the State of California is hereby authorized and directed, upon request of the governor, to draw his warrant or warrants on the state treasury in favor of the treasurer of the United States for the amount hereby appropriated, and the state controller is hereby directed to pay the same.

Appropriations
by U. S.

SEC. 5. If the congress of the United States shall not appropriate the full sum of five hundred thousand dollars for the prosecution of said work in accordance with section two of said act of congress, as hereinbefore referred to, but shall appropriate a less sum or sums from time to time for said purpose, then the said sum hereby appropriated shall become available and be paid over to the treasurer of the United States, for said purpose as hereinbefore provided, in such sum or sums from time to time as may equal the sum or sums so appropriated or authorized to be appropriated by congress.

CHAPTER 438.

An act to amend section three hundred fifty-nine of the Civil Code, relating to the issuance of stock or bonds creating or increasing bonded indebtedness or increasing or diminishing the capital stock of corporations.

[Approved June 20, 1923.]

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

SECTION 1. Section three hundred fifty-nine of the Civil Code is hereby amended to read as follows:

359. No corporation shall issue stocks or bonds except for money paid, labor done or property actually received and all fictitious increase of stock or indebtedness is void. Every corporation organized under the laws of this state having a capital stock may increase or diminish its capital stock and every such corporation or two or more such corporations may create or increase its or their bonded indebtedness subject to the following provisions:

Increasing and diminishing capital stock.

1. The capital stock of a corporation may be increased or diminished at a meeting of the stockholders by a vote representing at least two-thirds of the subscribed or issued capital stock, or in the manner otherwise in this section provided; when by meeting as aforesaid, then such meeting must be called by the board of directors or trustees, and notice must be given by publication in a newspaper published in the county or city and county where the principal place of business of the corporation is located, or if there be none published in said county or city and county, then in a newspaper published in an adjoining county, or city and county, such paper to be designated by the board of directors or trustees in the order calling for the meeting; *provided, however*, that where the articles of incorporation provide for two or more kinds of capital stock, no increase or reduction of capital stock shall be made without the assent of two-thirds of all the subscribed stock, and in making such increase or reduction, the assent shall identify the particular class or classes of stock to be increased or reduced, and the amounts apportioned to each.

How capital stock may be increased or diminished.

2. The notice must specify the object of the meeting and the amount to which it is proposed to increase or diminish the capital stock, the time and place of holding the meeting, which latter must be at the principal place of business of the corporation and at the building where the board of directors or trustees usually meets. The notice herein provided must be published once a week for at least sixty days. The capital stock can not be diminished to an amount less than the indebtedness of the corporation.

What notice must specify.

3. The bonded indebtedness of a corporation may be created or increased by a vote of the stockholders representing at least two-thirds of the subscribed or issued capital stock at a meeting called by the board of directors or trustees, and after notice of the time and place of the meeting published in the same manner and for the time prescribed, which notice shall

How bonded indebtedness may be created or increased.

state the amount of the bonded indebtedness which it is proposed to create, or the amount to which it is proposed to increase such indebtedness, and shall in all other respects contain the same matters as are above provided and set forth in the notice of meeting to increase or diminish the capital stock; or such original creation of bonded indebtedness may be made as otherwise in this section provided.

Notice to stockholders.

4. In addition to the notice by publication, when proceedings are to be had hereunder at a meeting of stockholders, the secretary of the corporation shall also address a notice to each of the stockholders whose names appear on the company's books as sufficiently addressed or identified, at his place of residence, if known, and if not known, then at the place in which the principal place of business of the corporation is situate, which notice shall be so mailed to such stockholders at least thirty days before the day appointed for such meeting.

Directors may diminish stock and create indebtedness.

5. In lieu of such call for meeting of stockholders and of such notice and publication of the same and of a stockholders' meeting held in pursuance thereof and of said vote thereat representing at least two-thirds of the subscribed capital stock, any corporation may diminish its capital stock and also originally create its bonded indebtedness by a resolution adopted by the unanimous vote of its board of directors or trustees at a regular meeting or at a special meeting called for that purpose and approved by the written assent or assents of the stockholders holding two-thirds of the subscribed or issued capital stock, which assent or assents must be filed with the secretary of the corporation; but the secretary of the corporation must address by mail, postage fully prepaid, a copy of such resolution to each of the stockholders whose names appear upon the company's books as sufficiently addressed or identified, at his place of residence, if known, and if not known, then at the place in which the principal place of business of the corporation is situate, which notice shall be so mailed to each stockholder at least thirty days before the certificate hereinafter provided is made and signed or filed, as hereinafter provided, and within that time any stockholder may file with such secretary his dissent in writing; but it is further provided, that if at any time within said thirty days such written assent or assents of the stockholders holding all of the subscribed or issued capital stock be so filed with the secretary, then and at once and without further delay the certificate hereinafter provided for may be so made, signed and filed as hereinafter provided and with the same effect, but such capital stock can not be diminished to an amount less than the indebtedness of the corporation, and no increase of capital stock or bonded indebtedness can be made, except at a meeting of the stockholders as in this section provided.

Consolidated indebtedness.

6. Any two or more corporations may by a separate compliance by each corporation with the provisions of this section applicable in the premises in respect to creating or increasing bonded indebtedness, create or increase a consolidated bonded indebtedness of such corporation, to be binding, jointly and

severally on such corporations, and which may be secured by a consolidated mortgage or deed of trust executed by all such corporations, mortgaging or conveying in trust all or any of the properties of all such corporations, acquired or to be acquired.

7. Upon such increase or diminution of the capital stock or creation or increase of the bonded indebtedness being made in accordance with the provisions of this section there shall be made, if proceedings are had under the provisions first, second, third and fourth above, a certificate under the corporate seal and signed by the president and secretary of the corporation or of each corporation acting in the premises and a majority of the directors or trustees of such corporation, or each corporation so acting, showing a compliance by such corporation, or each corporation so acting, with the requirements of said last named subdivisions and the amount to which the capital stock has been increased or diminished and the number of shares into which the capital stock, as increased or diminished, is to be divided and the par value thereof or the amount of the bonded indebtedness created, or to which the bonded indebtedness may have been increased, and the amount of stock represented at the meeting and the total vote in the affirmative by which the same was accomplished and the total vote in the negative; or if such proceedings be had and taken under subdivision fifth of this section as to diminution of capital stock or original creation of bonded indebtedness a like certificate shall be made and sealed and signed as aforesaid, showing a compliance by such corporation, and by each corporation acting in the premises, with the requirements of said subdivision fifth, and the amount to which the capital stock has been diminished and the number of shares into which the capital stock, as diminished, is to be divided and the par value thereof for the amount of bonded indebtedness so originally created, and the total amount of the stock represented by the said written assent or assents so filed with the secretary and the total amount of stock represented by the said written dissent or dissents so filed. In case of a consolidated bond of indebtedness each corporation which is a party thereto shall cause to be made and signed and sealed and verified and filed, as in this section provided, a separate certificate.

Certificate of increase or diminution.

8. In all cases the certificates shall state the total number of subscribed or issued shares of the capital stock of the corporation or of each corporation respectively acting in the premises and shall set forth the dates on which the notice hereinabove required was published and shall be verified by the oath of the said president and secretary or of the said respective presidents and secretaries. Such consolidated bonded indebtedness may be created or increased to an amount equal to the par or face value of the aggregate amount of the subscribed or issued capital stocks of said two or more corporations, but shall not exceed such aggregate amount. In each and every case the certificate must be filed in the office of the secretary of state, and thereupon the capital stock

What certificate shall state.

Where filed

shall be so increased or diminished, or the bonded indebtedness or consolidated bonded indebtedness shall be created or increased accordingly. The secretary of state shall forthwith issue a certified copy of said certificate and transmit said copy to the county clerk of the county in which the principal place of business of the corporation was situated at the time said corporation was incorporated which copy shall be filed by said county clerk upon payment of the fee prescribed by law. A copy of such certificate, certified by the secretary of state, shall be filed by such corporation in the office of the county clerk of every county in which said corporation has or holds real property. Any corporation which shall fail to comply with the requirements of the preceding sentence shall be subject to the penalties and liabilities provided in section two hundred ninety-nine for a failure of corporations to file copies of their articles of incorporation with the county clerks of the counties in which they shall purchase, hold or locate real property; and such certificate or certificates so filed shall be, when said certified copy or copies are so filed, conclusive proof of such increase or diminution of capital stock or such creation or increase of bonded or consolidated bonded indebtedness and the validity of each thereof. When the by-laws of a corporation prescribe the paper in which notices of meetings of directors or trustees or stockholders are to be published the notices or publication herein provided for shall be published in such paper, unless publication thereof shall have ceased.

CHAPTER 439.

An act to amend section eight hundred sixty of the Penal Code relating to examinations before committing magistrates and filing of informations by the district attorney.

[Approved June 20, 1923.]

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

SECTION 1. Section eight hundred sixty of the Penal Code is hereby amended to read as follows:

Examina-
tion, when
to proceed.

860. If the defendant requires the aid of counsel, the magistrate must, immediately after the appearance of counsel, or if, after waiting a reasonable time therefor, none appears, proceed to examine the case; *provided, however,* that a defendant represented by counsel may when brought before the magistrate as provided in section eight hundred fifty-eight, or at any time subsequent thereto, waive his right to an examination before such magistrate, and thereupon it shall be the duty of the magistrate to make an order holding the defendant to answer, and it shall be the duty of the district attorney within fifteen days thereafter, to file in the superior court of the county in which the offense is triable the information; *provided, further, however,* that nothing contained herein shall prevent the district attorney nor the magistrate from requiring that an examination be held as provided in this chapter.

CHAPTER 440.

An act dedicating certain portions of Balboa Park, in the city of San Diego, California, for public street purposes.

[Approved June 20, 1923.]

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

SECTION 1. Those certain portions of Balboa Park, in the city of San Diego, county of San Diego, State of California, descriptions of which are hereinafter set out, are hereby set aside and dedicated to be used for public street purposes as extensions of Sixth street, Date street, Twenty-eighth street and Russ boulevard, in the city of San Diego, and which said dedication has been approved by a majority vote of the electors of the city of San Diego at an election held in said city on March 20, 1923. Such portions are particularly bounded and described as follows:

Certain portions of Balboa Park at San Diego dedicated for use as public street.

A strip of land bounded by the south line of Balboa Park and the easterly prolongation of the center line of Date street, and extending from the west line of Pueblo Lot 1144 to the northerly prolongation of the east line of Tenth street; to be named and known as Date street.

A strip of land bounded by the west line of Balboa Park and a line drawn parallel to and distant fifty feet east from the west line of Balboa Park, and extending from a line drawn parallel to and distant fifty feet south from the north line of Balboa Park to the easterly prolongation of the center line of Date street: to be named and known as Sixth street.

A strip of land bounded by the north line of Balboa Park and a line drawn parallel to and distant fifty feet south from the north line of Balboa Park, and extending from the west line of Balboa Park to the southerly prolongation of the east line of Vermont street: to be named and known as Upas street.

A strip of land bounded by the north line of Balboa Park and a line drawn parallel to and distant sixty feet south from the north line of Balboa Park, and extending from the southerly prolongation of the west line of Alabama street to the east line of Balboa Park; to be named and known as Upas street.

A strip of land bounded and described as follows: Beginning at a point in Balboa Park distant sixty feet south from the north line of Balboa Park and fifty-two and five-tenths feet west from the east line of Balboa Park; thence easterly on a line parallel to and distant sixty feet south from the north line of Balboa Park to the east line of Balboa Park; thence southerly along the east line of Balboa Park to the south line of Maple street: thence westerly along the westerly prolongation of the south line of Maple street a distance of fifty and fifty-six hundredths feet to a point; thence northerly on a straight line to a point on the westerly prolongation of the south line of Nutmeg street distant fifty and fifty-six hundredths feet westerly from the east line of Balboa Park; thence

westerly along the westerly prolongation of the south line of Nutmeg street to a point distant fifty-three and four-tenths feet west from the east line of Balboa Park; thence northerly on a straight line to the point or place of beginning; to be named and known as Twenty-eighth street.

A strip of land bounded by the east line of Balboa Park and a line drawn parallel to and distant eighty feet west from the east line of Balboa Park, and extending from the westerly prolongation of the south line of Maple street to the westerly prolongation of the south line of Juniper street; to be named and known as Twenty-eighth street.

A strip of land bounded by the south line of Balboa Park and a line drawn parallel to and distant sixty feet north from the south line of Balboa Park, and extending from the northerly prolongation of the west line of Eleventh street to the east line of Balboa Park, to be named and known as Russ boulevard.

Plat.

The particular location of said lands is shown and delineated upon that certain plat dated February 21, 1923, on file in the office of the city clerk of said city, marked Document No. 148430, and endorsed: "Plat showing the portions of Balboa Park to be acquired by the city of San Diego for street purposes."

CHAPTER 441.

An act to amend an act entitled "An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this state, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property holders to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," submitted by the initiative and adopted and approved by the electors of the State of California, November 2, 1920, by amending sections one, two, three, four, five, seven, eight, nine, ten and eleven thereof.

[Approved June 20, 1923.]

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

Stats 1921,
p xxxii,
amended.

SECTION 1. Section one of an act entitled "An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this state, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property holdings to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," adopted and approved by the electors of the State of California, November 2, 1920, is hereby amended to read as follows:

Section 1. All aliens eligible to citizenship under the laws of the United States may acquire, possess, enjoy, use, cultivate, occupy, transfer, transmit and inherit real property, or any interest therein, in this state, and have in whole or in part the beneficial use thereof, in the same manner and to the same extent as citizens of the United States, except as otherwise provided by the laws of this state.

Rights of
aliens
eligible to
citizenship.

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

Stats. 1921,
p. lxxviii,
amended.

Sec. 2. All aliens other than those mentioned in section one of this act may acquire, possess, enjoy, use, cultivate, occupy and transfer real property, or any interest therein, in this state, and have in whole or in part the beneficial use thereof, in the manner and to the extent, and for the purposes prescribed by any treaty now existing between the government of the United States and the nation or country of which such alien is a citizen or subject, and not otherwise.

Rights
of other
aliens.

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

Stats. 1921,
p. lxxviii,
amended.

Sec. 3. Any company, association or corporation organized under the laws of this or any other state or nation, of which a majority of the members are aliens other than those specified in section one of this act, or in which a majority of the issued capital stock is owned by such aliens, may acquire, possess, enjoy, use, cultivate, occupy and transfer real property, or any interest therein, in this state, and have in whole or in part the beneficial use thereof, in the manner and to the extent and for the purposes prescribed by any treaty now existing between the government of the United States and the nation or country of which such members or stockholders are citizens or subjects, and not otherwise. Hereafter all aliens other than those specified in section one hereof may become members of or acquire shares of stock in any company, association or corporation that is or may be authorized to acquire, possess, enjoy, use, cultivate, occupy and transfer real property, or any interest therein, in this state, in the manner and to the extent and for the purposes prescribed by any treaty now existing between the government of the United States and the nation or country of which such alien is a citizen or subject, and not otherwise.

Rights of
corporations.

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

Stats. 1921,
p. lxxviii,
amended.

Sec. 4. Hereafter no alien mentioned in section two hereof and no company, association or corporation mentioned in section three hereof, may be appointed guardian of that portion of the estate of a minor which consists of property which such alien is inhibited from acquiring, possessing, enjoying, using, cultivating, occupying, transferring, transmitting or inheriting, or which such company, association or corporation is inhibited from acquiring, possessing, enjoying, using, cultivating, occupying or transferring, by reason of the provisions of this act. The public administrator of the proper county, or

Appointment
of alien as
guardian

any other competent person or corporation, may be appointed guardian of the estate of a minor citizen whose parents are ineligible to appointment under the provisions of this section.

On such notice to the guardian as the court may require, the superior court may remove the guardian of such an estate whenever it appears to the satisfaction of the court:

(a) That the guardian has failed to file the report required by the provisions of section five hereof; or

(b) That the property of the ward has not been or is not being administered with due regard to the primary interest of the ward; or

(c) That facts exist which would make the guardian ineligible to appointment in the first instance; or

(d) That facts establishing any other legal ground for removal exist.

Stats. 1921,
p. lxxxiv,
amended.

"Trustee."

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

Sec. 5. (a) The term "trustee" as used in this section means any person, company, association or corporation that as guardian, trustee, attorney in fact or agent, or in any other capacity has the title, custody or control of property, or some interest therein, belonging to an alien mentioned in section two hereof, or to the minor child of such an alien, if the property is of such a character that such alien is inhibited from acquiring, possessing, enjoying, using, cultivating, occupying, transferring, transmitting or inheriting it.

Annual
report.

(b) Annually on or before the thirty-first day of January every such trustee must file in the office of the secretary of state of California and in the office of the county clerk of each county in which any of the property is situated, a verified written report showing:

(1) The property, real or personal, held by him for or on behalf of such alien or minor;

(2) A statement showing the date when each item of such property came into his possession or control;

(3) An itemized account of all such expenditures, investments, rents, issues and profits in respect to the administration and control of such property with particular reference to holdings of corporate stock and leases, cropping contracts and other agreements in respect to land and the handling or sale of products thereof.

(c) Any person, company, association or corporation that violates any provision of this section is guilty of a misdemeanor and shall be punished by a fine not exceeding one thousand dollars or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

(d) The provisions of this section are cumulative and are not intended to change the jurisdiction or the rules of practice of courts of justice.

Stats. 1921,
p. lxxxiv,
amended.

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

Sec. 7. Any real property hereafter acquired in fee in violation of the provisions of this act by any alien mentioned in section two of this act, or by any company, association or corporation mentioned in section three of this act, shall escheat as of the date of such acquiring, to, and become and remain the property of the State of California. The attorney general or district attorney of the proper county shall institute proceedings to have the escheat of such real property adjudged and enforced in the manner provided by section four hundred seventy-four of the Political Code and title eight, part three of the Code of Civil Procedure. Upon the entry of final judgment in such proceedings, the title to such real property shall pass to the State of California, as of the date of such acquisition in violation of the provisions of this act. The provisions of this section and of sections two and three of this act shall not apply to any real property hereafter acquired in the enforcement or in satisfaction of any lien now existing upon or interest in such property so long as such real property so acquired shall remain the property of the alien, company, association or corporation acquiring the same in such manner. No alien, company, association or corporation mentioned in section two or section three hereof shall hold for a longer period than two years the possession of any agricultural land acquired in the enforcement of or in satisfaction of a mortgage or other lien hereafter made or acquired in good faith to secure a debt.

Escheat of
property
acquired
in fee.

Agricultural
land.

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

Stats. 1921,
p. 1335,
amended.

Sec. 8. Any leasehold or other interest in real property less than the fee, including cropping contracts which are hereby declared to constitute an interest in real property less than the fee, hereafter acquired in violation of the provisions of this act by any alien mentioned in section two of this act, or by any company, association or corporation mentioned in section three of this act, shall escheat to the State of California, as of the date of such acquiring in violation of the provisions of this act. The attorney general or district attorney of the proper county shall institute proceedings to have such escheat adjudged and enforced in the same manner as is provided in section seven of this act. In such proceedings the court shall determine and adjudge the value of such leasehold or other interest in such real property, as of the date of such acquisition in violation of the provisions of this act, and enter judgment for the state for the amount thereof together with costs. The said judgment so entered shall be considered a lien against the real property in which such leasehold or other interest less than the fee is so acquired in violation of the provisions of this act, which lien shall exist as of the date of such unlawful acquisition. Thereupon the court shall order a sale of the real property covered by such leasehold, or other interest, in the manner provided by section one thousand two hundred seventy-one of the Code of Civil Procedure. Out of the proceeds arising from such sale, the amount of the judgment rendered

Escheat of
leasehold.

Escheat of
stock.

for the state shall be paid into the state treasury and the balance shall be deposited with and distributed by the court in accordance with the interest of the parties therein. Any share of stock or the interest of any member in a company, association or corporation hereafter acquired in violation of the provisions of section three of this act shall escheat to the State of California as of the date of such acquiring in violation of the provisions of said section three of this act, and it is hereby declared that any such share of stock or the interest of any member in such a company, association or corporation so acquired in violation of the provisions of section three of this act is an interest in real property. Such escheat shall be adjudged and enforced in the same manner as is provided in this section for the escheat of a leasehold or other interest in real property less than the fee.

Stats. 1921,
p. lxxxv,
amended.
Conveyance
to prevent
escheat.

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

Sec. 9. Every transfer of real property, or of an interest therein, though colorable in form, shall be void as to the state and the interest thereby conveyed or sought to be conveyed shall escheat to the state as of the date of such transfer, if the property interest involved is of such a character that an alien mentioned in section two hereof is inhibited from acquiring, possessing, enjoying, using, cultivating, occupying, transferring, transmitting or inheriting it, and if the conveyance is made with intent to prevent, evade or avoid escheat as provided for herein.

A prima facie presumption that the conveyance is made with such intent shall arise upon proof of any of the following groups of facts:

(a) The taking of the property in the name of a person other than the persons mentioned in section two hereof if the consideration is paid or agreed or understood to be paid by an alien mentioned in section two hereof;

(b) The taking of the property in the name of a company, association or corporation if the memberships or shares of stock therein held by aliens mentioned in section two hereof, together with the memberships or shares of stock held by others but paid for or agreed or understood to be paid for by such aliens, would amount to a majority of the membership or issued capital stock of such company, association or corporation;

(c) The execution of a mortgage in favor of an alien mentioned in section two hereof if such mortgagee is given possession, control or management of the property.

The enumeration in this section of certain presumptions shall not be so construed as to preclude other presumptions or inferences that reasonably may be made as to the existence of intent to prevent, evade or avoid escheat as provided for herein.

Stats. 1921,
p. lxxxv,
amended.

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

Conspiracy
to effect
illegal
transfer.

Sec. 10. If two or more persons conspire to violate any of the provisions of this act they are punishable by imprisonment in the county jail or state penitentiary not exceeding two years or by a fine not exceeding five thousand dollars, or both.

Sec. 10. Section eleven of said act is hereby amended to read as follows: Stats. 1921,
p. 2200,
amended.

Sec. 11. Nothing in this act shall be construed as a limitation upon the power of the state to enact laws with respect to the acquisition, possession, enjoyment, use, cultivation, occupation, transferring, transmitting or inheriting by aliens of real property in this state. Effect
of act.

CHAPTER 442.

An act to amend section four thousand two hundred thirty-five of the Political Code, relating to the salaries, fees and expenses of officers in counties of the sixth class.

[Approved June 20, 1923.]

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

SECTION 1. Section four thousand two hundred thirty-five of the Political Code is hereby amended to read as follows:

4235. In counties of the sixth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit:

1. The county clerk, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk one deputy county clerk who shall act as clerk of the probate department, who shall receive a salary of two thousand four hundred dollars per annum; also one deputy county clerk to act as clerk to the board of supervisors, who shall receive a salary of two thousand four hundred dollars per annum; also one deputy county clerk who shall be the registrar of voters and who shall receive a salary of two thousand four hundred dollars per annum; also one deputy county clerk who shall serve as general office clerk who shall receive a salary of two thousand four hundred dollars per annum; also three deputy county clerks who shall serve as clerks of the several departments of the superior court who shall receive a salary of two thousand one hundred dollars per annum each; also one deputy county clerk who shall serve as desk clerk, who shall receive a salary of two thousand one hundred dollars per annum; *provided, however*, that the county clerk shall not be allowed the additional deputy provided by section four thousand two hundred ninety of the Political Code of the State of California; also one deputy county clerk who shall serve as assistant to the clerk of the probate department and who shall receive a salary of two thousand one hundred dollars per annum; also one deputy county clerk in the probate department, who shall receive a salary of one thousand eight hundred dollars per annum; the deputies herein provided for shall be appointed by the clerk of said county and their salaries shall be paid by said county in equal monthly installments

Salaries
and fees
of officers.

County clerk.

at the same time and in the same manner and out of the same funds as the salary of the county clerks; *provided, further*, that in any year in which a general election is held the said clerk may appoint two deputies who shall serve for a term of twelve months, who shall each receive a salary of one hundred twenty-five dollars per month, to be paid as are other deputies herein provided for; two deputies who shall serve for a term of eight months who shall each receive a salary of one hundred twenty-five dollars per month, to be paid as are other deputies herein provided for; and two deputies who shall serve for a term of six months who shall each receive a salary of one hundred twenty-five dollars per month, to be paid as are other deputies herein provided for; also in such years as the compilation of a great register of voters is required by law to be made one additional deputy in each voting precinct in the county for the purpose of registering electors in such precincts, who shall be paid ten cents per name for each elector legally registered by them; *provided*, that said county clerk may be allowed the actual and necessary expenses incurred by him in the performance of his official duties, and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived.

Sheriff.

2. The sheriff, four thousand dollars per annum; *provided*, that there shall be and there hereby is allowed to the sheriff one undersheriff whose salary is hereby fixed at the sum of two thousand four hundred dollars per annum; also ten deputies who shall each receive a salary of one thousand eight hundred dollars per annum, one of whom shall speak the Italian language and shall be competent to act as an Italian interpreter; also three deputies who shall each receive a salary of one thousand five hundred dollars per annum; also one deputy who shall act as matron of the county jail who shall receive a salary of one thousand twenty dollars per annum. The undersheriff and deputies herein provided for shall be appointed by the sheriff and paid at the same time and in the same manner and out of the same funds as is the salary of the sheriff; *provided*, that said sheriff shall be allowed the actual and necessary expenses incurred in the performance of his official duties. He shall pay into the county treasury all fees and mileage collected by him for the service of papers or process issued by any court of this state.

Recorder.

3. The county recorder, three thousand six hundred dollars per annum, and said recorder may appoint one deputy recorder who shall receive a salary of two thousand four hundred dollars per annum; also one deputy recorder who shall receive a salary of one thousand six hundred twenty dollars per annum; also two deputy recorders who shall each receive a salary of one thousand five hundred dollars per annum; also two deputy recorders who shall each receive a salary of one thousand two hundred dollars per annum; also as many deputies to act as copyists as may be required, who shall

receive as compensation the sum of seven cents per folio for recording all instruments or notices, except maps and plats, and for copies of any record seven cents per folio; *provided*, that such recorder may be allowed the actual and necessary expense incurred by him in the performance of his official duties, and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived.

4. The county auditor, three thousand six hundred dollars Auditor. per annum; and said auditor may appoint one deputy auditor who shall receive a salary of two thousand four hundred dollars per annum; also one deputy auditor to serve as accountant who shall receive a salary of one thousand eight hundred dollars per annum; also one deputy auditor who shall receive a salary of one thousand eight hundred dollars per annum; also one redemption clerk who shall receive a salary of one thousand eight hundred dollars per annum; *provided*, that the auditor shall be allowed six additional deputies for a period of one month who shall each receive a salary or compensation of five dollars per day for each day actually employed, and five additional deputies for a period of two months who shall each receive a salary or compensation of five dollars per day for each day actually employed. The deputies herein provided for shall be paid at the same time and in the same manner as is the county auditor; *provided*, that such auditor shall pay into the county treasury all fees received by him in his official capacity.

5. The county treasurer, three thousand six hundred dollars Treasurer. per annum, and said treasurer may appoint one deputy treasurer, who shall receive a salary of two thousand four hundred dollars per annum. The premium on the bond of said deputy treasurer shall be paid by the county. All fees and commissions collected by said treasurer in his official capacity shall be paid into the county treasury; *provided*, that the county treasurer shall be entitled to retain for his own use the fees which are now or which may hereafter be allowed by the state law for the collection and payment to the state treasurer of inheritance taxes. Whenever the fees received on account of any one estate paying inheritance taxes shall exceed the sum of two hundred dollars such excess shall be by the county treasurer paid into the county treasury as in the case of fees received by him from other sources. The deputy herein provided for shall be paid at the same time and in the same manner and out of the same funds as is the county treasurer.

6. The tax collector, three thousand six hundred dollars Tax collector. per annum; and said tax collector may appoint one deputy tax collector who shall receive a salary of two thousand four hundred dollars per annum, three additional deputy tax collectors who shall receive a salary of one thousand eight hundred dollars per annum; also twelve additional deputy tax collectors to serve as such only for a period of two and one-half months in each year, and who shall receive a salary

of one hundred twenty-five dollars each per month; also three additional deputy tax collectors who shall serve as such only during two months of each year and who shall receive a salary of one hundred twenty-five dollars each per month; also eleven copyists who shall serve only during one and one-half months of each year, and shall each receive a salary of one hundred dollars per month. The deputies and copyists herein provided for shall be paid at the same time and in the same manner and out of the same funds as is the salary of the tax collector; *provided*, that said tax collector shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties, including the making and compiling of the necessary indices to the assessment roll, and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived.

License
collector.

7. The license collector, fifteen per cent of the whole amount of license collected by him; *provided*, that the entire compensation of said license collector shall not exceed the sum of one thousand five hundred dollars per annum.

Assessor.

8. The county assessor, three thousand six hundred dollars per annum; and said assessor may appoint one chief deputy assessor who shall receive a salary of two thousand four hundred dollars per annum; one supervising deputy assessor who shall receive a salary of one thousand eight hundred dollars per annum; five office deputy assessors who shall each receive a salary of one thousand eight hundred dollars per annum; also twenty deputy assessors who shall serve as such during the months of March, April, May and June of each year who shall each receive a salary of one hundred twenty-five dollars per month: two deputy assessors to serve as such during six months of each year who shall receive a salary of one hundred twenty-five dollars each per month; four deputy assessors to serve as such during four months of each year who shall receive a salary of one hundred twenty-five dollars each per month; and also seven copyists to serve as such only during four months of each year who shall receive a salary of one hundred dollars each per month; *provided*, that the above salaries and compensations shall be in full for all services rendered by him as such assessor and that no commission for the collection of state or infirmity poll taxes or personal property taxes shall be retained by him but that all such commissions shall be paid into the county treasury. The deputies and copyists herein provided for shall be paid at the same time and in the same manner and out of the same fund as is the county assessor; *provided*, that the assessor shall be allowed the actual and necessary expenses incurred by him in the performance of official duties; *and provided, further*, that all deputies herein specified shall be allowed actual and necessary traveling expenses incurred in the performance of official duties, not to exceed, however, for each deputy the sum of twenty-five dollars per month.

9. The district attorney, three thousand six hundred dollars per annum; he may appoint a chief deputy at a salary of three thousand dollars per annum; three assistant district attorneys at a salary of two thousand four hundred dollars each per annum; one detective who shall serve at a salary of one thousand eight hundred dollars per annum; one clerk at a salary of one thousand five hundred dollars per annum; and one stenographer at a salary of one thousand three hundred twenty dollars per annum; all of whom shall be paid in the same manner as said district attorney; *provided*, that said district attorney shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties. All fees and commissions collected by him shall be paid into the county treasury. District attorney.

10. The coroner and public administrator, such fees as are now or may hereafter be allowed by law. Said coroner may appoint deputies not to exceed three in number; *provided*, that said deputy coroner shall receive only such fees as the coroner would receive if acting. Coroner.

11. The county superintendent of schools, three thousand dollars per annum; and the said superintendent of schools may appoint a deputy superintendent of schools who shall receive a salary of two thousand four hundred dollars per annum, one deputy superintendent of schools who shall receive one thousand five hundred dollars per annum; and the said superintendent of schools shall also be paid actual traveling expenses when visiting the schools of the county. The deputies herein provided for shall be paid at the same time and in the manner and out of the same fund as is the superintendent of schools. Superintendent of schools.

12. The county surveyor, the sum of three thousand six hundred dollars per annum; and said surveyor may appoint a deputy surveyor who shall receive a salary of two thousand four hundred dollars per annum; also one deputy who shall receive a salary of one thousand nine hundred twenty dollars per annum; one deputy at a salary of one thousand eight hundred dollars per annum; one deputy at a salary of one thousand six hundred twenty dollars per annum and one deputy at a salary of one thousand five hundred dollars per annum who shall be a draftsman whose duties shall include the preparation of maps for the county assessor; and one deputy at one thousand two hundred dollars per annum. Such compensation and salaries as above set forth shall be in full for all services as such county surveyor, and all fees and compensation received or collected by him for surveying other than for the county, shall be paid into the county treasury; *provided*, that said county surveyor shall be allowed all necessary transportation and expenses incurred by himself or deputies for work performed in the field, and in the official discharge of his duties. Such salaries shall be paid at the same time and in the same manner as the salaries of other county officers are paid. Said surveyor shall also have power to appoint such inspectors Surveyor.

as he may deem necessary, for the proper supervision of all roads and bridges under construction, and the compensation of said inspectors shall be a proper charge against the county.

Fish and
game
warden.

13. The fish and game warden, one thousand two hundred dollars per annum and the actual and necessary expenses incurred by him in the performance of his official duties.

Traffic
officer.

14. The county traffic officer, two thousand four hundred dollars per annum; *provided*, that in counties of this class there shall be and there are hereby allowed to the county traffic officer three deputies who shall each receive two thousand two hundred eighty dollars per annum, which shall be paid by said county in monthly installments in the same manner, at the same times and out of the same funds as the salary of the county traffic officer is paid. Said county traffic officer shall also be allowed five additional deputies who shall serve not to exceed sixty days each in any one year and who shall be paid a salary of eight dollars per day each when actually employed. Said deputies shall be appointed by said county traffic officer, and said county traffic officer and his said deputies shall provide their own motorcycles or other vehicles and gasoline and oil for the purpose of propelling the same, and shall pay all the expense of maintaining said vehicles. All the provisions of this paragraph are to apply to the office of county traffic officer and his deputies whenever said office of county traffic officer is created by law.

Justices
of the peace.

15. In counties of this class, justices of the peace shall be compensated as follows, and all salaries shall be payable monthly in the same manner as the salaries of county officers are paid, viz:

(1) In townships having a population of twenty thousand or more, justices of the peace shall each receive a salary of two hundred fifty dollars per month as full compensation for all services rendered by them, except as hereinafter provided; *provided, however*, that in all such townships having a population of twenty thousand or more, there shall be two township justices of the peace in and for any such township, and said justices of the peace shall each be allowed a clerk to be appointed by such justice of the peace at a salary of one hundred thirty-seven and one-half dollars per month each, payable monthly in the same manner as salaries of county officers are paid, and shall be furnished with offices and necessary supplies by the board of supervisors.

(2) In townships having a population of fifteen thousand and less than twenty thousand, justices of the peace shall each receive a salary of one hundred seventy-five dollars per month for all services rendered by them, except as hereinafter provided.

(3) In townships having a population of ten thousand and less than fifteen thousand, justices of the peace shall each receive a salary of one hundred thirty-seven dollars and fifty cents per month for all services rendered by them, except as hereinafter provided.

(4) In townships having a population of five thousand and less than ten thousand, justices of the peace shall each receive a salary of one hundred thirty-five dollars per month as full compensation for all services rendered by them, except as hereinafter provided.

(5) In townships having a population of two thousand five hundred and less than five thousand, justices of the peace shall each receive a salary of seventy-five dollars per month as full compensation for all services rendered by them except as hereinafter provided.

(6) In townships having a population of two thousand and less than two thousand five hundred, justices of the peace shall each receive the sum of sixty dollars per month as salary for all services rendered in both civil and criminal cases. All fees collected by them shall be paid monthly by them into the county treasury; *provided*, that where a township census has been ordered taken and adopted by the board of supervisors, as in this act contained said census shall be and remain the official census of such township; and shall not be affected by any provision of this act with respect to the application of the federal census of 1920 in classifying townships.

(7) In townships having a population of one thousand and less than two thousand, justices of the peace shall each receive a salary of fifty dollars per month as full compensation for all services rendered by them, except as hereinafter provided.

(8) In townships having a population of less than one thousand, justices of the peace shall each receive a salary of thirty dollars per month as full compensation for all services rendered by them, except as hereinafter provided.

Justices of the peace in all townships in counties of the sixth class shall be permitted to receive and retain for their own use, fees for celebrating marriages and returning certificates thereof, but all other fees shall be collected by them and by them paid into the county treasury at least once a month.

16. In counties of this class constables shall be compensated Constables. as follows, and all salaries herein provided shall be paid in the same manner as the salaries of county officers are paid, viz:

(1) In townships having a population of twenty thousand or more, constables shall each receive a salary of one hundred dollars per month for all services rendered by them in criminal cases. As compensation for all services rendered in civil cases and all other matters wherein they may charge fees for their services, a constable may collect and retain for his own use as his compensation such fees as are now, or may hereafter be allowed by law.

(2) In townships having a population of fifteen thousand and less than twenty thousand, constables shall each receive the sum of one hundred dollars per month as salary for all services rendered by them in criminal cases. As compensation for all services rendered by them in civil cases and in all matters wherein they may charge fees for their services, constables in such townships may collect and retain for their

Constables. own use such fees as are now or may hereafter be allowed by law.

(3) In townships having a population of ten thousand and less than fifteen thousand, constables shall each receive the sum of seventy-seven dollars and fifty cents per month as salary for all services rendered by them in criminal cases. As compensation for all services rendered by them in civil cases and in all other matters wherein they may charge fees for their services, constables may collect and retain for their own use as compensation such fees as are now or may hereafter be allowed by law.

(4) In townships having a population of five thousand and less than ten thousand, constables shall each receive the sum of seventy-seven dollars and fifty cents per month as salary for all services rendered by them in criminal cases, civil cases and in the performance of all other duties imposed upon them by law. All fees chargeable and collectible in both criminal cases, civil cases, and in all other cases wherein fees are chargeable by constables, shall be collected in advance and paid monthly into the county treasury.

(5) In townships having a population of two thousand five hundred and less than five thousand, constables shall each receive the sum of sixty dollars per month as a salary for all services rendered by them in both civil and criminal cases. All fees collected by them in civil and criminal cases shall be paid monthly by them into the county treasury. For all other services performed by them, they may charge and retain for their own use such fees as are chargeable by law.

(6) In townships having a population of two thousand and less than two thousand five hundred, constables shall each receive the sum of sixty dollars per month as salary for all services rendered in both civil and criminal cases. All fees collected by them shall be paid monthly by them into the county treasury: *provided*, that in townships in which a township census has been ordered, taken and adopted by the board of supervisors, as in this act hereinafter provided, constables shall each receive the sum of seventy-five dollars per month as salary for all services rendered in criminal cases, and that for all other services performed by them they may charge and collect for their own use such fees as are allowed by law.

(7) In townships having a population of one thousand and less than two thousand, constables shall each receive the sum of forty dollars per month as salary for all services rendered in criminal cases. All fees collected by them in criminal cases shall be paid monthly by them into the county treasury. For all other services performed by them they may charge and collect for their own use such fees as are allowed by law.

(8) In townships having a population of less than one thousand, constables shall each receive the sum of thirty dollars per month as a salary for all services rendered by them in criminal cases. All fees collected by them in criminal cases shall be paid monthly into the county treasury. For all other

services performed by them they may charge and collect for their own use such fees as are allowed by law.

Constables shall be allowed all necessary expenses incurred in conveying prisoners. Expenses.

The population herein referred to in classifying townships for the purpose of regulating the compensation of justices of the peace and constables shall be the population found and determined by the federal census taken in the year 1920; *provided, however*, that a township census may be taken for the purpose of establishing the official census of such township in the manner hereinafter specified and when so taken, such census shall be known as and shall become the official census of such township in which it is taken and the population therein determined shall be and become the official population of such township. Whenever there shall be presented to the board of supervisors of the county a petition signed by the qualified electors of any township or townships in number equal to twenty-five per cent of the votes cast at the preceding general election, praying that said township or townships may be allowed to take the census of said township or townships for the purpose of ascertaining the population therein contained, the board of supervisors may order such census to be taken by one or more suitable persons appointed therefor by the board of supervisors and such census shall be taken by such persons so appointed, of all of the inhabitants of such township or townships. The full name of each person shall be plainly written, the names alphabetically arranged and regularly numbered in one complete series and when completed, shall be verified by the proper official authorized to administer oaths and be filed with the county clerk and thereupon the same shall be known and shall be the official census of said township or townships. Population
of
Townships.

Special
census.

17. Each supervisor, two thousand four hundred dollars per annum and mileage of ten cents per mile for each mile actually traveled in going to and from their residence to the county seat or in the performance of the duties required of them by law or by virtue of their office; *provided*, that in attending sessions of the board only four mileages shall be allowed for each month and that the total mileage allowed shall not exceed five hundred dollars in any one calendar year. Supervisors.

18. The fees of grand jurors and trial jurors in the superior courts of said counties of the sixth class, in civil and criminal cases shall be three dollars, in lawful money of the United States, for each day's attendance, and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said juror was in attendance, and the treasurer of said county shall pay said warrants. The board of supervisors of said Jurors.

county is hereby directed to make suitable appropriation for the payment of the fees herein provided for.

Effect
of act.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 443.

An act to amend an act entitled "An act prescribing terms and conditions upon which corporations may transact business in this state and providing penalties and forfeitures for noncompliance," approved May 10, 1915, as amended, by amending sections one, six, ten and fifteen thereof, and to repeal sections three a, seven and eight thereof.

[Approved June 20, 1923.]

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

Stats. 1917,
p. 371,
amended.

SECTION 1. Section one of an act entitled "An act prescribing terms and conditions upon which corporations may transact business in this state and providing penalties and forfeitures for noncompliance," approved May 10, 1915, as amended, is hereby amended to read as follows:

Foreign
corporations
must file
articles of
incorpora-
tion.

Section 1. Every corporation organized under the laws of another state, territory, or of a foreign country, which is now doing intrastate business in this state or maintaining an office herein for such purpose, and which has not filed with the secretary of state prior to the day on which this act takes effect the document or documents required by this section, or which shall hereafter do such business in this state or maintain an office herein for such purpose or which shall enter this state for the purpose of doing such business herein, must file in the office of the secretary of state of the State of California a certified copy of its articles of incorporation, or of its charter, or of the statute or statutes, or legislative, or executive, or governmental act or acts creating it, in cases where it has been created by charter, or statute, or legislative, or executive, or governmental act, duly certified by the secretary of state or other officer authorized by the law of the jurisdiction under which such corporation is formed to certify such copy, and must also file a certified copy thereof, duly certified by the secretary of state of this state in the office of the county clerk of the county where its principal place of business in this state is located, and also where such corporation owns any real property. With such certified copy of its articles of incorporation, charter, or legislative, executive or governmental act creating it, such corporation shall also file with the secretary of state an affidavit sworn to by any officer

Certified
copy filed
with county
clerk.

of such corporation, which shall state the amount of such corporation's authorized capital stock at or within fifteen days prior to such filing. Every such corporation shall pay to the secretary of state for filing in his office such certified copy of its articles of incorporation, or of its charter, or of the statute or statutes, or legislative, or executive, or governmental act or acts creating it, a fee of seventy-five dollars; *provided*, that foreign corporations organized for educational, religious, scientific or charitable purposes and having no capital stock, and foreign nonprofit corporations shall pay a fee of five dollars for filing the document or documents hereinabove required. Such corporation shall also file any amendment of or change in any of the provisions of its original articles of incorporation, or charter, or of the statute or legislative, executive or governmental act or acts creating it. Every foreign corporation subject to the tax hereinafter provided shall file with the secretary of state, at the time it tenders payment of said tax and any penalty which has accrued, an affidavit sworn to by any officer showing the amount of its authorized capital stock on the first day of January of the year in which said payment is made and in the event that such authorized capital stock, as shown by such affidavit, differs from the amount of such capital stock as appears from the records of the secretary of state, then the tax hereinafter provided shall be measured by the amount of the capital stock shown in such affidavit. The license hereinafter required shall not be issued nor shall the amount so tendered be accepted until copies of any documents relating to such change in authorized capital stock, certified as required by this section, shall have been filed with the secretary of state.

Fee.

Changes.

Capital stock affidavit.

Every foreign corporation shall file with the secretary of state a designation of some person residing within this state upon whom process issued by authority of law may be served as the representative, for such purpose, of such corporation. A copy of such designation certified by the secretary of state is sufficient evidence of the appointment of such representative. Such process may be served on the person so designated, or, in the event that no such representative is designated, then on the secretary of state, and such service shall be a valid and binding service on such corporation.

Service of process.

Every corporation subject to the provisions of this section and every such corporation hereafter becoming subject to the provisions thereof, which shall neglect or fail to file with the secretary of state as herein provided, shall be subject to a fine of not less than five hundred dollars to be recovered in any court of competent jurisdiction; and it is hereby made the duty of the secretary of state and of the state board of equalization, when either may be advised that corporations are doing business in contravention of this section to report the fact to the attorney general of this state, who shall as soon as practicable institute proceedings to recover the fine provided for in this section, and the amount so recovered must be paid into the

Penalty.

state treasury to the credit of the general fund of the state and it is hereby made the duty of the district attorney of any county in which any action shall be brought under the provisions of this act, to assist the attorney general in the prosecution thereof.

Additional
penalty.

In addition to the penalty herein provided every contract made by or on behalf of any such foreign corporation affecting the personal liability thereof or relating to property within the state shall be held void on its behalf and on behalf of its assigns, but shall be enforceable against it or them.

Benefit of
law.

Every corporation which complies with the provisions of this section is thereafter entitled to the benefit of the laws of this state limiting the time for the commencement of civil actions, but any corporation created by or under the laws of any foreign state or country and that has not complied with this section is not entitled to the benefit thereof, nor can any such foreign corporation maintain or defend any action or proceeding concerning its property in this state or any intra-state business or transaction, in any court of this state. In any action or proceeding instituted against any body styled as a corporation, but not created by nor under the laws of this state, evidence that such body has acted as a corporation, or employed methods usually employed by corporations, must be received by the court for the purpose of proving the existence of such corporation, the sufficiency of such evidence to be determined by the court with like effect as in other cases. Every corporation which has complied with the law requiring it to make and file a designation of the person upon whom process against it may be served, need not make or file any further designation. Any designation made may be revoked by the filing by the corporation with the secretary of state of a writing stating such revocation. Within forty days after the death or removal from the state of any person designated by the corporation, or after the revocation of the designation, the corporation must make a new designation, or be subject to the provisions and penalties of this section; *provided, however*, that any foreign corporation which, prior to the eighth day of March, one thousand nine hundred one, shall have complied with the provisions of the act entitled, "An act to amend 'An act in relation to foreign corporations,' approved April 1, 1872." approved March 17, 1899, shall, in lieu of the provisions of this section above set forth, file the affidavit and designation of representative herein required and the license tax due from such corporation shall be measured by the authorized capital stock, as shown thereby.

Stats. 1917,
p. 373,
repealed.

SEC. 2. Section three *a* of said act approved May 10, 1915, as amended, is hereby repealed. All penalties, forfeitures or suspensions purporting to have accrued against any corporations under and pursuant to the provisions of the section hereby repealed are hereby remitted and removed as if never incurred or accrued.

Stats. 1917,
p. 375,
amended.

SEC. 3. Section six of said act approved May 10, 1915, as amended, is hereby amended to read as follows:

Sec. 6. Corporations organized for educational, religious, scientific or charitable purposes, corporations which are not organized for profit, and those corporations taxed under subdivisions (a), (b) and (c) of section fourteen of article thirteen of the constitution, are not subject to the tax prescribed by this act.

Corporations exempt.

Sec. 4. Section seven of said act approved May 10, 1915, as amended, is hereby repealed.

Stats. 1917, p. 375, repealed.

Sec. 5. Section eight of said act approved May 10, 1915, as amended, is hereby repealed.

Stats. 1917, p. 375, repealed.

Sec. 6. Section ten of said act approved May 10, 1915, as amended, is hereby amended to read as follows:

Stats. 1917, p. 376, amended.

Sec. 10. The license tax provided in section three of this act is a lien upon the real property of any corporation subject thereto from and after the first day of January of each year and until paid or until the property is sold for the payment thereof. On or before the first Monday in April of each year the secretary of state shall make a list of all corporations subject to the tax imposed by or that should have been paid under this act and which have failed to pay the same, and transmit a certified copy thereof to each county clerk and county recorder in this state. Said county clerks and county recorders shall file such certified copies in their respective offices in such manner that the same shall be preserved in the form of a permanent record of such office and easily identified by and available to the public. Said copies so certified by the secretary of state and filed as herein provided shall, in the case of each corporation, state whether such corporation is a domestic or foreign corporation and specify the tax and penalties which each corporation has incurred for failure to pay the tax imposed by this act. Such certified copies so filed with either of said county officers, or any copy thereof certified by the secretary of state, shall be received in evidence in any court in lieu of the original record on file with the secretary of state and shall be prima facie evidence of the truth of all statements contained therein.

License tax lien.

Sec. 7. Section fifteen of said act approved May 10, 1915, as amended, is hereby amended to read as follows:

Stats. 1917, p. 379, amended.

Sec. 15. Any foreign corporation may file with the secretary of state a certificate, signed by its president or vice president or secretary or assistant secretary, setting forth that it has ceased to do intrastate business in this state and that it thereby surrenders its right to engage in such business, and thereupon the right of such corporation to transact such business shall terminate and it shall not thereafter be subject to the tax herein prescribed. It shall be unlawful for any such corporation to exercise its corporate powers in transacting any intrastate business in this state after the filing of such certificate. Each and every person who exercises any of the powers of such corporation in the transaction of intrastate business or who transacts any intrastate business for or in behalf of such corporation after such filing shall be subject to penalties prescribed by section eleven of this act.

Surrender of right to engage in intrastate business.

Reacquire-
ment of
right.

Any such corporation may resume the transaction of intra-state business in this state at any time thereafter upon filing its application for a license therefor with the secretary of state and an affidavit by its president or secretary setting forth the amount of its authorized capital stock, and copies of any documents authorizing changes in capital stock not of record in his office which copies shall be certified as herein provided and upon paying a tax for the unexpired portion of the year which shall be measured by its authorized capital stock and which shall be that portion of the license tax specified in section three of this act which the unexpired number of months of such year, including the month in which such license is issued, bears to the entire year.

CHAPTER 444.

An act to amend section four thousand two hundred thirty-two of the Political Code, relating to the compensation of officers in counties of the third class.

[Approved June 20, 1923.]

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

SECTION 1. Section four thousand two hundred thirty-two of the Political Code is hereby amended to read as follows:

Salaries
and fees of
officers.

4232. In counties of the third class the county and township officers shall receive as full compensation for the services required of them by law or by virtue of their office, the following salaries:

County clerk.

1. The county clerk, five thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk one chief deputy whose salary is hereby fixed at the sum of three thousand six hundred dollars per annum; one deputy to act as judgment clerk, whose salary is hereby fixed at the sum of two thousand seven hundred dollars per annum; one deputy to act as assistant judgment clerk, whose salary is hereby fixed at the sum of two thousand two hundred and twenty dollars per annum; one deputy to act as assistant clerk of the board of supervisors, whose salary is hereby fixed at the sum of three thousand dollars per annum; one deputy to act as chief registration clerk whose salary is hereby fixed at the sum of two thousand two hundred and twenty dollars per annum; five deputies whose salaries are hereby fixed at the sum of two thousand two hundred and twenty dollars per annum each; nineteen deputies whose salaries are hereby fixed at the sum of two thousand dollars per annum each; one deputy whose salary is hereby fixed at the sum of one thousand eight hundred dollars per annum; one deputy whose salary is hereby fixed at the sum of one thousand six hundred and twenty dollars per annum. All the foregoing deputies herein provided for, shall be appointed by the county clerk of said

county, and their salaries shall be paid by the county in equal monthly installments at the same time and in the same manner and out of the same fund as is the salary of the county clerk.

Such additional deputies are also allowed the said county clerk in each year in which a general election is to be held throughout the state, as he may appoint and whose compensation shall not exceed in the aggregate the sum of twelve thousand dollars; also such additional deputies in each year in which a presidential primary election is held, as he may appoint and whose compensation shall not exceed in the aggregate the sum of one thousand five hundred dollars; also such additional deputies in the event of a special election being held within the county as he may appoint and whose compensation shall not exceed in the aggregate the sum of one thousand five hundred dollars; *provided, further*, that in each year in which a new and complete registration of voters is required by law, the county clerk in counties of this class may appoint for each voting precinct in the county, one additional deputy who shall be a qualified elector of the precinct for which appointed and who shall be paid eight cents per name for each elector legally registered by him or her in the same manner as other county claims are paid.

2. The sheriff, four thousand dollars per annum; *provided, Sheriff.* that in counties of this class there shall be and there hereby is allowed to the sheriff, one under-sheriff, whose salary is hereby fixed at the sum of three thousand six hundred dollars per annum; three deputies whose salaries are hereby fixed at the sum of two thousand four hundred dollars per annum each; one chief jailer whose salary is hereby fixed at the sum of two thousand four hundred dollars per annum; two deputies who shall act as detectives whose salaries are hereby fixed at the sum of two thousand four hundred dollars per annum each; twenty deputies whose salaries are hereby fixed at the sum of two thousand dollars per annum each; two engineers for the jail whose salaries are hereby fixed at the sum of two thousand two hundred eighty dollars per annum each; two deputies who shall act as process servers in addition to their other duties whose salaries are hereby fixed at the sum of two thousand one hundred dollars per annum each; one matron for the jail whose salary is hereby fixed at the sum of one thousand five hundred dollars per annum; one assistant matron for a period of not to exceed two weeks in any one year and to serve only during the vacation of the matron, whose salary is hereby fixed at the sum of sixty-two and one-half dollars for such two weeks; *provided, further*, that all the foregoing deputies and assistants of such sheriff herein provided for shall be appointed by the sheriff and their salaries shall be paid by the said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the sheriff; the sheriff shall also receive the amount of money necessarily expended by him in serving all process and notices

and all expenses necessarily incurred by him in the pursuit of criminals and the same shall be a charge against the county and allowed as such by the board of supervisors and paid as other county charges are paid.

Recorder.

3. The recorder, five thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the recorder the following deputies and copyists who shall be appointed by the recorder of such county and who shall be paid salaries and compensations as follows: one chief deputy whose salary is hereby fixed at the sum of three thousand six hundred dollars per annum; thirteen deputies whose salaries are hereby fixed at the sum of two thousand dollars per annum each; two deputies whose salaries are hereby fixed at the sum of one thousand eight hundred dollars per annum each; *provided, further*, that the salaries of the deputies herein provided for shall be paid by the said county in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the recorder; *provided, further*, that in counties of this class, the recorder shall be entitled to the actual cost incurred by him for the recording of all papers, documents and records in his office not to exceed seven and three-fourths cents per folio for long hand recording and not to exceed six cents per folio for type-written recording for each paper or document so recorded; *and provided, further*, that said recorder shall file monthly with the county auditor a sworn statement showing in detail the persons and the amounts paid to each for such recording.

Auditor.

4. The auditor, five thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the auditor, one chief deputy, whose salary is hereby fixed at the sum of three thousand dollars per annum; one deputy to act as accountant whose salary is hereby fixed at the sum of two thousand four hundred dollars per annum; one deputy to act as redemption clerk whose salary is hereby fixed at the sum of two thousand one hundred dollars per annum; one deputy to act as warrant clerk whose salary is hereby fixed at the sum of two thousand one hundred dollars per annum; three deputies whose salaries are hereby fixed at the sum of two thousand dollars per annum each; one deputy to act as stenographer whose salary is hereby fixed at the sum of one thousand six hundred and twenty dollars per annum; and such additional assistants during the period in each year from July first to December thirty-first as the auditor may appoint and whose compensation shall not in the aggregate exceed the sum of two thousand dollars per annum; *and provided, further*, that the auditor shall file with the county clerk, a sworn statement showing in detail the amounts paid and the persons to whom such compensation is paid for such extra assistants as aforesaid; *provided, further*, that the deputies and assistants herein provided shall be appointed by the auditor of said county and their salaries paid by the said county in equal

monthly installments, at the same time and in the same manner and out of the same fund as is the salary of the auditor.

5. The treasurer, five thousand dollars per annum; *pro-* Treasurer.
vided, that in counties of this class there shall be and there hereby is allowed to the treasurer, one chief deputy whose salary is hereby fixed at the sum of three thousand dollars per annum; one deputy whose salary is hereby fixed at the sum of two thousand four hundred dollars per annum; one deputy whose salary is hereby fixed at the sum of two thousand one hundred dollars per annum; one deputy whose salary is hereby fixed at the sum of two thousand dollars per annum; all of which sums shall be paid by said county in equal monthly installments at the same time and in the same manner, and out of the same fund as is the salary of the treasurer; *pro-*
vided, that all of said deputies herein provided for shall be appointed by the treasurer of said county; *and provided, further*, that all commissions and fees required or permitted by any law of this state or of the United States, to be collected by the treasurer either as an officer or ex officio officer, his deputies or assistants, for the performance of any official duty, shall be collected for the benefit of the county and shall be paid into the salary fund of the county monthly.

6. The tax collector, five thousand dollars per annum; Tax collector.
provided, that in counties of this class there shall be and there hereby is allowed to the tax collector, one chief deputy, whose salary is hereby fixed at the sum of three thousand six hundred dollars per annum; one deputy who shall act as chief clerk whose salary is hereby fixed at the sum of two thousand seven hundred dollars per annum; one deputy who shall act as cashier whose salary is hereby fixed at the sum of two thousand four hundred dollars per annum; twelve deputies whose salaries are hereby fixed at the sum of two thousand dollars per annum each; *provided, further*, that there shall be and there hereby is allowed to the tax collector three extra deputies for a period not to exceed eight months in any one year at a salary of one hundred thirty-five dollars per month each; six extra deputies for a period not to exceed five months in any one year at a salary of one hundred and thirty-five dollars per month each; six extra deputies for a period not to exceed four months in any one year at a salary of one hundred and thirty-five dollars per month each; *provided, further*, that in counties of this class the tax collector shall appoint six persons to be known as indexers and whose duties it shall be under the supervision and direction of the tax collector to compile, make out and complete an index of the assessment-roll of the county, and of the sanitary assessment-rolls for each sanitary district in counties of this class yearly, as soon as the said rolls are completed by the assessor of the county, and each assessor of said sanitary districts and for each year thereafter. The said indexes to be a public record for use of the tax collector and the general public and to be kept in the office of the tax col-

lector during the collection of taxes and to be turned over to the auditor at the same time as the assessment rolls are turned over in the final settlement of the tax collector with the county auditor. Such indexers shall be paid a salary of one hundred thirty-five dollars per month each, payable at the same time and in the same manner as other county officers are paid, but such indexers shall not be employed to exceed four months in any one year; *provided, further*, that the chief deputy and all other deputies and assistants herein provided for shall be appointed by the tax collector of said county, and the salaries of said chief deputy and all other deputies and assistants herein provided for, shall be paid by said county at the same time and in the same manner and out of the same fund as the salary of the tax collector.

License
collector.

7. The license collector shall receive fifteen per cent of all licenses collected by him.

Assessor.

8. The assessor, seven thousand dollars per annum and necessary traveling expenses in the performance of the duties of his office; *provided*, that in counties of this class, there shall be, and there is hereby allowed to the assessor, the following assistants and deputies who shall be appointed by the assessor and paid salaries as follows: one assistant assessor whose salary is hereby fixed at the sum of three thousand six hundred dollars per annum; one chief deputy whose salary is hereby fixed at the sum of three thousand dollars per annum; two deputies whose salaries are hereby fixed at the sum of two thousand seven hundred dollars per annum each; two deputies whose salaries are hereby fixed at the sum of two thousand four hundred dollars per annum each; nine deputies whose salaries are hereby fixed at the sum of two thousand one hundred sixty dollars per annum each; fifteen deputies whose salaries are hereby fixed at the sum of two thousand dollars per annum each; two deputies for a period not to exceed six months in any one year whose salaries are hereby fixed at the rate of one hundred sixty-six and two-thirds dollars per month each; ten deputies for a period not to exceed five months in any one year whose salaries are fixed at the sum of one hundred thirty-five dollars per month each; and such additional deputies as the assessor may appoint and whose compensation shall not in the aggregate exceed the sum of four thousand dollars per annum; *provided*, that the assessor shall file with the county auditor a verified statement showing in detail the amount paid and the persons to whom such compensation is paid for such extra assistants as aforesaid; *provided, further*, that the number of deputies, not to exceed four, which are assigned by the assessor to do field work outside of incorporated cities or towns within counties of this class shall be allowed their actual and necessary traveling expenses while engaged in assessing personal property in the said unincorporated territory. The salaries herein provided for shall be paid by the said county in equal monthly installments at the same time and in the same manner and out of the same fund as

the salary of the assessor; *provided, however*, that should the assessor be directed by any law or by any order of the board of supervisors or by any municipality within the counties of the third class to prepare maps, plats or block books for the use of the county or assessment rolls for the use of any municipality, then said assessor shall make said maps, plats or block books or assessment rolls for the use of any municipality but shall only receive the actual cost by him incurred in making or preparing said maps, plats, block books or assessment rolls; *and provided, further*, that he shall file with the county auditor a sworn statement showing the persons to whom and the amounts paid to each for such maps, plats, block books or assessment rolls, and shall account forthwith and pay to the county any difference between such costs and the amount allowed him for such work; *and provided, further*, that the salaries herein named shall be in full compensation for all services of every kind and description rendered by the assessor, his deputies or assistants; *and it is further provided*, that in counties of this class the assessor shall receive no commission for his collection of taxes on personal property, nor shall said assessor receive any compensation for making out the military roll of persons returned by him as subject to military duty as provided by section one thousand nine hundred one of the Political Code.

9. The district attorney, six thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the district attorney the following assistants, deputies and employees who shall be appointed by the district attorney and who shall be paid salaries as follows: two assistant district attorneys whose salaries are hereby fixed at the sum of three thousand six hundred dollars per annum each; one chief deputy district attorney whose salary is hereby fixed at the sum of three thousand three hundred dollars per annum; one deputy whose salary is hereby fixed at the sum of three thousand three hundred dollars per annum; two deputies whose salaries are hereby fixed at the sum of three thousand dollars per annum each; two deputies whose salaries are hereby fixed at the sum of two thousand seven hundred dollars per annum each; two deputies whose salaries are hereby fixed at the sum of two thousand four hundred dollars per annum each; one deputy to act as bond and warrant clerk in addition to his other duties whose salary is hereby fixed at the sum of one thousand eight hundred dollars per annum; two deputies whose salaries are hereby fixed at the sum of two thousand four hundred dollars per annum each whose duty it shall be in addition to performing services as deputies district attorney to attend the sessions of the police courts in cities of the second class and conduct on behalf of the people all prosecutions for public offenses of which said police court shall have jurisdiction; one clerk whose salary is hereby fixed at the sum of two thousand dollars per annum; one clerk and private exchange operator at a salary of nine hundred sixty dollars

District
attorney.

per annum; one stenographer whose salary is hereby fixed at the sum of one thousand eight hundred dollars per annum; two stenographers whose salaries are hereby fixed at the sum of one thousand six hundred and twenty dollars per annum each; one detective who shall assist the district attorney in the detection of crime and prosecution of criminal cases whose salary is hereby fixed at the sum of two thousand four hundred dollars per annum; *and provided, further*, that nothing herein contained shall be construed as preventing the board of supervisors of counties of this class from employing special counsel in civil cases when the judgment of said board determines the interests of said counties to require it. The salaries of said assistant district attorneys, deputies, and all other persons in this subdivision provided for, shall be payable by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the district attorney is paid.

Coroner.

10. The coroner, four thousand dollars per annum; and his necessary traveling expenses as follows: ten cents per mile for distance actually traveled outside the cities of Oakland, Berkeley, Alameda, Piedmont, Emeryville and San Leandro; said traveling expenses not to exceed twenty dollars in any one calendar month; *provided, further*, that in counties of this class, there shall be and there hereby is allowed to the coroner, one autopsy physician and surgeon, whose salary is hereby fixed at the sum of two thousand one hundred dollars per annum, who shall perform all autopsies and inspections in all cases required by the coroner except that where the distance from the county seat exceeds twenty miles the coroner may subpoena a physician or surgeon to perform such autopsy or inspect the body; one deputy, whose salary is hereby fixed at the sum of two thousand dollars per annum, and one stenographer whose salary is hereby fixed at the sum of two thousand four hundred dollars per annum and who shall be paid in addition thereto, for transcribing all the testimony and proceedings taken by him at any inquest, the sum of ten cents per one hundred words for one copy and five cents per one hundred words for two copies made at one time and in every case where the death of any person shall have been caused by the criminal act of another such stenographer shall make a copy of the transcript of the testimony and proceedings taken at said inquest for the use of the district attorney of said county; in all inquests so reported the fees for transcribing as provided herein shall be paid out of the county treasury upon the order of the coroner. When such testimony is taken down by such stenographer as herein set forth his transcription thereof duly certified to by him shall constitute the deposition of the witnesses testifying at such inquest so reported by such stenographer. The autopsy physician and surgeon, deputy and stenographer herein provided for shall be appointed by the coroner and their salaries shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the coroner is paid.

11. The public administrator, such fees as are now or may hereafter be allowed by law. Public administrator.

12. The superintendent of schools, five thousand dollars per annum; *provided*, that during the term of office of the present incumbent the salary of the superintendent of schools shall be four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the superintendent of schools, one assistant superintendent of schools whose salary is hereby fixed at the sum of three thousand dollars per annum; one chief deputy whose salary is hereby fixed at the sum of two thousand four hundred dollars per annum; one deputy whose salary is hereby fixed at the sum of two thousand one hundred dollars per annum; one deputy whose salary is hereby fixed at the sum of two thousand dollars per annum; said assistants and deputies shall all be appointed by the said superintendent of schools of said county and their salaries shall be paid in equal monthly installments out of the same fund and in the same manner as the salary of the superintendent of schools is paid. In counties of this class the superintendent of schools shall receive his actual and necessary traveling expenses for visiting and examining schools and school properties of the county and in performance of such other duties as are incident to the full discharge of the requirements of the office of superintendent of schools. Superintendent of schools.

13. The surveyor, five thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the surveyor one chief deputy whose salary is hereby fixed at the sum of three thousand six hundred dollars per annum; one stenographer whose salary is hereby fixed at the sum of one thousand six hundred and twenty dollars per annum. The salary of such surveyor shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid. All work which the surveyor is directed or charged to perform by law, or by order of the board of supervisors of such county, shall be performed by the surveyor at actual cost; *provided, however*, that on all such work other than block-book work hereinafter provided for, transit men and office men when actually engaged on such county work shall receive a per diem of not to exceed ten dollars, and chainmen when actually engaged in such county work shall receive a per diem of not to exceed six dollars; *and provided, further*, that for the making, platting, tracing or otherwise preparing maps, plats or block books for the use of the county or any municipality within such county there shall be and there hereby is allowed to the surveyor the following draughtsmen who shall be paid salaries as follows: two draughtsmen whose salaries are hereby fixed at the sum of two thousand four hundred dollars per annum each; two assistant draughtsmen whose salaries are hereby fixed at the sum of two thousand dollars per annum each; *and provided, further*, that the surveyor shall be allowed all necessary expenses for work performed for the county by Surveyor.

virtue of his office and all necessary expenses and transportation for work performed in the field. The said surveyor shall render to the auditor of said county a monthly sworn statement showing therein the kind and nature of work performed, the dates, amounts paid to assistants and paid for expenses. The salary herein fixed for said surveyor shall be in lieu of all other fees, commissions or compensations of whatever kind or nature for services performed by said surveyor for said county. The deputy and all persons herein provided for shall be appointed by the surveyor and their salaries shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as are the salaries of county officers of counties of this class.

Justices of
the peace.

14. Justices of the peace shall each receive the following monthly salaries, to be paid each month in the manner and out of the same fund as county officers are paid which salaries shall be in full for all services rendered by such justices of the peace: in townships having a population of more than one hundred thousand, four thousand dollars per annum; in townships having a population of seventy-five thousand and less than one hundred thousand, three thousand six hundred dollars per annum; in townships having a population of twenty thousand and less than seventy-five thousand, two thousand four hundred dollars per annum; in townships having a population of less than twenty thousand, one thousand six hundred twenty dollars per annum; *and provided, further*, that each justice of the peace must keep a book, open for the inspection of the public during office hours, in which must be entered at once and in detail the amount of all fees and fines collected by him as such justice of the peace and on the first Monday of each and every month he must pay such fees and fines so collected into the county treasury or city treasury as provided by law; *and provided, further*, that the board of supervisors of counties of the third class shall furnish each justice of the peace with a suitable office in which to hold court and shall also furnish the necessary furniture, books, blanks and supplies for said court; *and provided, further*, that in townships having a population of more than one hundred thousand there shall be one justice's clerk, and one deputy justice's clerk, who shall be appointed by the justice of the peace of said township, or justices, if more than one, and who shall perform such duties as are required of them by law or the justice or justices of said township. The salary of said clerk is hereby fixed at the sum of two thousand two hundred twenty dollars per annum and that of the deputy clerk at one thousand eight hundred dollars per annum, payable in equal monthly installments out of the same fund and in the same manner and at the same time as the salary of the justices of the peace is paid; *and provided, further*, that in townships having a population of more than seventy-five thousand and less than one hundred thousand there shall be one justice's clerk, who shall be appointed by the justice of the peace of said township, or justices, if more than one, and

who shall perform such duties as are required of him by law or the justice or justices of said township. The salary of said clerk is hereby fixed at the sum of two thousand dollars per annum, payable in equal monthly installments out of the same fund and in the same manner and at the same time as the salary of the justice of the peace is paid. For the purpose of this section the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the federal census taken in the year anno Domini one thousand nine hundred twenty. Any increase in the salary of any justice of the peace as herein provided shall not become effective during the term of office of any present incumbent.

15. Constables shall receive the following monthly salaries to be paid each month in the same manner and out of the same fund as other county officers are paid which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than one hundred thousand, one hundred sixty-six and two-thirds dollars; in townships having a population of seventy-five thousand and less than one hundred thousand, one hundred fifty dollars; in townships having a population of twenty thousand and less than seventy-five thousand, one hundred twenty-five dollars; in townships having a population of less than twenty thousand, one hundred thirty-five dollars. In addition to the compensation received in criminal cases each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil cases; *provided*, that in counties of this class constables shall be, and they are hereby allowed such expenses as are actually and necessarily incurred by them in conveying prisoners to and from the county jail, such expenses to be itemized and presented as a claim against the county and to be audited and allowed by the board of supervisors and paid out of the county treasury in the same manner as are other claims. For the purpose of this section the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the federal census taken in the year anno Domini 1920; *provided, further*, that in townships having a population of more than one hundred thousand, the board of supervisors of counties of the third class shall furnish each constable with a suitable office and supplies for said office. Any increase in the salary of any constable as herein provided shall not become effective during the term of office of any present incumbent.

16. Each supervisor, three thousand dollars per annum; *provided*, that in counties of this class supervisors charged as road commissioners with the inspection of five hundred or more miles of roads within their respective districts, shall be and they are hereby allowed their actual traveling expenses not to exceed the sum of seventy-five dollars in any one calendar month; *and provided, further*, that, in counties of this class supervisors charged as road commissioners with the inspection

of two hundred fifty and not exceeding five hundred miles of roads within their respective districts shall be, and they are hereby allowed their actual traveling expenses not to exceed fifty dollars in any one calendar month; and *provided, further*, that in lieu of the above-mentioned amounts for traveling expenses, said supervisors charged as road commissioners may be furnished with automobiles by counties of the third class; *provided, further*, that nothing herein contained shall be construed to prevent the use of county automobiles while engaged in the performance of their official duties, by supervisors of counties of this class not so charged as road commissioners. During the term of office of any present incumbent elected prior to the year 1922 the salary of such incumbent shall be two thousand seven hundred dollars per annum, with the traveling expenses now provided by law.

County
librarian.

17. The county librarian, three thousand dollars per annum, payable at the same time and in the same manner and out of the same fund as the salaries of other county officers; *provided*, that the board of supervisors may appoint all necessary employees for the county library as provided by law. The county librarian shall also be allowed actual and necessary traveling expenses.

Sealer of
weights and
measures.

18. The sealer of weights and measures, three thousand dollars per annum and deputy sealers of weights and measures the sum of two thousand dollars per annum each payable at the same time and in the same manner and out of the same fund as the salaries of other county officers; said deputies to be appointed as provided by law.

Takes effect.

SEC. 2. This act shall take effect ninety days after the final adjournment of the present session of the legislature.

CHAPTER 445.

An act to amend an act entitled "An act to provide for the payment of retirement salaries to public school teachers of this state; creating a public school teachers' retirement salary fund and also a public school teachers' permanent fund, providing for the administration of such funds, and making an appropriation for the uses of said funds," approved June 16, 1913, by amending section five thereof.

[Approved June 20, 1923.]

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

Stat. 1913,
p. 1424,
amended.

SECTION 1. Section five of an act entitled "An act to provide for the payment of retirement salaries to public school teachers of this state; creating a public school teachers' retirement salary fund and also a public school teachers' permanent fund, providing for the administration of such funds, and making an appropriation for the uses of said funds," approved June 16, 1913, is hereby amended to read as follows:

Sec. 5. Each teacher subject to the burdens of this act shall contribute twelve dollars each school year to the public school teachers' permanent fund for not less than thirty years, and shall pay the twelve dollars to the county superintendent of schools of the county in which the teacher is employed. The teacher must pay six dollars not later than December thirty-first for the half year ending December thirty-first, and must pay six dollars for the half year ending June thirtieth, at the time or before the time of filing his annual report with the county superintendent of schools and not later than June thirtieth of the current school year.

Teacher's
annual
contribution.

The county superintendent of schools shall issue a receipt in duplicate to the teacher when he makes his payment. The teacher shall file his duplicate receipt with the clerk or secretary of the governing board of the school district in whose service he is employed and the clerk or secretary of the governing board of the school district shall not issue to the teacher his warrant for the school month including December thirty-first nor for his last month of teaching for the current school year until the teacher files with the clerk or secretary his duplicate receipt for the period ending December thirty-first or June thirtieth, as the case may be. The teacher may pay twelve dollars instead of six dollars at the time of making his first payment, in which case the filing of his receipt with the clerk or secretary of the school district shall relieve him from further payments during the current school year.

Receipt to
be filed
before issue
of warrant.

The county superintendent of schools shall deposit these payments weekly, or oftener, in the county treasury to the credit of the public school teachers' permanent fund, and not later than the fifteenth day of July of each year, and semi-annually thereafter, shall draw his requisition in favor of the state treasurer and against the county auditor who shall draw his warrant on the county treasurer for the full amount then on deposit to the credit of the public school teachers' permanent fund. The requisition of the county superintendent of schools shall be accompanied by a list giving the names of the teachers and the amounts paid by each teacher, and a duplicate of said list shall be sent by the county superintendent of schools to the secretary of the public school teachers' retirement salary fund board. Upon the receipt of such requisition the state treasurer shall collect the same and deposit the proceeds thereof in the state treasury to the credit of the public school teachers' permanent fund; *provided*, that in every city and county which constitutes a separate school district, as provided in section one thousand five hundred seventy-six of the Political Code, the payments herein provided to be made shall be made to the superintendent of schools who shall issue his receipt therefor in duplicate. In such case the teacher shall file his duplicate receipt with the board of education of such city and county and no official, board, or commission, whose duty it is to draw warrants or demands for the payment of said teacher's salary, shall draw such warrant or demand for the school month ending December thirty-first

Disposition
of con-
tributions.

Where city
and county
constitute
separate
district.

unless the duplicate receipt for the half year ending December thirty-first is on file, nor for the last month of teaching of the current school year, unless the duplicate receipt for the half year ending June thirtieth is on file.

CHAPTER 446.

An act to amend section three thousand four hundred eight d of the Political Code, relating to indemnity selections in lieu of losses in grants made to the state, where the state is entitled to make such selections for any reason; providing a method for the sale of indemnity certificates or scrip entitling the owner to have selected for him government lands in lieu thereof.

[Approved June 20 1923.]

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

SECTION 1. Section three thousand four hundred eight d of the Political Code is hereby amended to read as follows:

Issuance of
Indemnity
certificates
of location
or scrip.

3408d. Whenever the state shall be entitled to make indemnity selections for any reason, the surveyor general shall, on behalf of the state and in the manner herein provided, issue and sell to persons qualified to purchase state lands, indemnity certificates of location or scrip.

Sales.

No person shall be entitled to purchase an indemnity certificate of location or scrip unless he be qualified to purchase state lands as provided by law, and no person shall be entitled to purchase such a certificate representing more than six hundred forty acres of land. As the surveyor general shall ascertain from time to time, the number of acres to which the state is entitled as indemnity, he shall sell at his office in the city of Sacramento, State of California, for cash, in gold coin, and to persons qualified to purchase state land, indemnity certificates or scrip, at a price per acre to be fixed from time to time by the surveyor general, subject to the approval of the state board of control. No person shall purchase any such indemnity certificates or scrip for or on behalf of any other person without an authorization in writing so to do, executed by the principal, which authorization shall be filed in the office of the surveyor general, together with the affidavit of the principal that he is qualified to purchase state lands. No application to purchase scrip shall be received or considered and no land or the right to any land will be sold and no certificate of indemnity or scrip shall be issued for less than the sum of one dollar and twenty-five cents per acre. Certificates of indemnity or scrip as herein provided shall be sold in such quantities as may in the discretion of the surveyor general be deemed to be for the best interests of the state.

Purchase for
another.

Minimum
price per
acre.

Certificates
to contain,
what.

When certificates of indemnity or scrip are sold as herein provided, the surveyor general shall issue to the purchaser an indemnity certificate of location or scrip, in such form as may be by him provided, containing the date of the sale, a descrip-

tion of the land or a statement of the facts or other cause constituting the bases by reason of which the state is entitled to indemnity, the name of the person to whom issued, the price paid therefor, and the fact that such certificate may be surrendered to the surveyor general, and the holder and owner thereof (provided he be the original purchaser of such certificate of indemnity or scrip) shall be entitled to have selected from the vacant unappropriated lands of the United States within the state open to selection, the same number of acres as represented by the certificate surrendered, which the party who makes the surrender shall designate. If the lands applied for be not open to entry the holder of a certificate of indemnity shall be entitled to apply for other lands or receive restitution to the amount paid for such certificate or certificates of indemnity or scrip. At the time of surrendering said certificate said person so surrendering the same shall make and file the same affidavit and application, as is now required by law for the purchase of state school lands and he shall pay all fees as provided by law in connection with the sale of state school lands, and the issuing of evidences of title therefor. The said certificates of indemnity or scrip, however, shall be held to be, and shall be considered and accepted as the full purchase price of the land sought to be purchased by the applicant. The said certificate of indemnity shall not be subject to sale or assignment; *provided, however*, that if the purchaser shall die without having selected lands in accordance therewith, his successors in interests or legal representatives may surrender the said certificate and be entitled to restitution for the amount paid therefor.

Surrender
of
certificates.

Not trans-
ferable.

If it appears, when any certificate of indemnity or scrip is surrendered that the owner of said certificate was not qualified to purchase state lands when the said certificate was purchased, the said certificate shall be canceled and become null and void and he shall be entitled to restitution therefor.

If owner
is not
qualified.

Whenever it is made to appear to the satisfaction of the surveyor general that the base or bases named in any certificate of indemnity or scrip is or are invalid, or has or have been used in a previous state indemnity selection, or will not be accepted by the land department of the United States, the owner and holder thereof may surrender said certificate of indemnity or scrip to the surveyor general and said certificate of indemnity or scrip shall be canceled and the surveyor general shall issue a new certificate of indemnity or scrip in lieu thereof containing an equal amount of acres of valid bases, and if the base land described in the said canceled certificate of indemnity or scrip has been used in making a state indemnity selection for said owner, the surveyor general shall forward to the United States land office an amendatory of said state indemnity selection by substituting the base land described in the new certificate of indemnity or scrip for the base land in the certificate canceled by him.

Issuance
of new
certificate
where base
invalid.

Duplicate
certificates.

If any certificate of indemnity or scrip has been lost or destroyed the owner thereof may, upon filing an affidavit with the surveyor general showing the facts constituting such loss or destruction, have issued to him a duplicate thereof, across the face of which shall be marked in red ink the word "Duplicate", and which shall have the same force and effect as the original.

No person shall be considered as having made an entry of state lands under the provisions of this article until the lands have been listed to the state.

Reimburse-
ment.

Whenever in accordance with the provisions of this article any person shall have the right to recover from the State of California any sum of money paid by him for a certificate of indemnity or scrip, he shall surrender the same to the surveyor general who shall thereupon cancel the same and issue to him a certificate showing the amount paid and the class of land upon which the payment was made, and upon the surrender of such certificate to the controller of state he must draw his warrant in favor of the person surrendering the same for the amount therein specified upon the treasurer of the state, who must pay the same out of the fund into which the purchase money was paid.

Application
of school
land laws.

All the provisions of the laws of this state governing the sale and disposition of state school land, where not in conflict with the provisions hereof, shall apply equally to lands purchased upon the surrender of certificates of indemnity or scrip.

Disposition
of moneys.

All moneys received by the surveyor general under the provisions hereof shall be disposed of by him in the same manner as other moneys received from the sale of state school lands.

CHAPTER 447.

An act to amend section four thousand two hundred nineteen of the Political Code, relating to the duties of the county surveyor.

[Approved June 20, 1923.]

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

SECTION 1. Section four thousand two hundred nineteen of the Political Code is hereby amended to read as follows:

Surveys of
county
roads, etc.

4219. The surveyor shall make such surveys of county roads and perform such other engineering work as the board of supervisors may direct. All such surveys shall be tied by courses and distances to the corners of legal subdivisions through which they pass or to natural or artificial monuments, giving the courses and distances therefrom. All such maps and field notes of surveys shall be filed in the office of the surveyor and the same shall thereafter be and remain the property of the county.

CHAPTER 448.

An act relating to the doing of public work by day's labor or force account, except emergency and maintenance work and work costing less than ten thousand dollars; requiring the state highway engineer, state engineer, the state architect, county engineers, county surveyors, city and county engineers, county highway engineers, road commissioners, city engineers, commissioners of public works, superintendents of streets, harbor engineers, flood control engineers, and the engineers of any reclamation, irrigation or other districts, political subdivisions or agencies of the state directing, supervising or superintending such work, or in charge of the engineering for or in connection therewith, to keep the costs, prepare and file plans, specifications and estimates of costs, and, upon completion, prepare and file certificates of cost thereof; and providing for the keeping of such plans, specifications and certificates as public records.

[Approved June 21, 1923.]

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

SECTION 1. It shall be the duty of the state highway engineer, the state engineer, the state architect and of every county engineer, county surveyor, city and county engineer, county highway engineer, road commissioner, city engineer, commissioner of public works, superintendent of streets, harbor engineer, flood control engineer, and the engineer of any reclamation, irrigation or other district, political subdivision or agency of the state directing, supervising or superintending the construction, or in charge of the engineering work for or in connection with the construction of any bridge, road, street, highway, ditch, canal, dam, tunnel, excavation, building or structure within the state by day's labor or force account, except emergency and maintenance work and work costing less than ten thousand dollars, to keep an accurate account of the cost of such work; to prepare and file in his office, prior to the commencement of the work, full, complete and accurate plans and specifications, and an estimate of the cost thereof, except where other and adequate provision is made by law requiring the preparation and filing of such plans, specifications and estimates of cost by some other officer or in some other office; and, upon completion of any such work, to prepare and file in the office of the county clerk of the county in which the work is performed, or if any such reclamation, irrigation or other district maintains an office then in the office of his own such district instead of the office of the county clerk, a certificate in writing verified by him in the same manner as complaints in civil actions, setting forth the estimate of cost, names of bidders with prices bid, changes in adopted or approved plans and specifications, that the work performed has or has not been done in accordance with such plans and specifications, a list of any publicly-owned equip-

Plans, etc.
for public
work to be
done by day
labor.

Certificate
of cost, etc.,
to be filed.

ment used in the work, and an itemized statement of the actual cost of all labor, materials, rentals, repairs, compensation and other insurance, transportation of labor, equipment and materials, engineering or architectural services including the services of public employees in connection with the work, and any and all other cost entering into the work performed, including a reasonable amount for depreciation of publicly-owned equipment used in the work and the cost of repairs thereon while so used.

Inspection
of plans.

SEC. 2. Such plans, specifications and certificates shall be open to inspection and examination as a public record.

CHAPTER 449.

An act to amend section nine hundred twenty-seven c of the Code of Civil Procedure, relating to the small claims court.

[Approved June 21, 1923.]

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

SECTION 1. Section nine hundred twenty-seven c of the Code of Civil Procedure is hereby amended to read as follows:

Filing
affidavit.

When the claimant appears he shall prepare such an affidavit as is set forth in section nine hundred twenty-seven b of this title, or, at his request, the judge or justice of the court, or the justices' clerk or deputy clerk of said justices' court shall draft the same for him. Upon the said affidavit being sworn to by the claimant the justice, justices' clerk or deputy clerk of said justice court shall file the same and make a true and correct copy thereof. At the same time the justice, or justices' clerk or deputy clerk of said justice court shall fill in the blanks in the order printed on said copy and sign the order. Immediately thereafter the said justice, or justices' clerk, or the deputy clerk of the said justice court shall enclose said copy and order in an envelope, address the said envelope to the said defendant at the address so stated in said affidavit, prepay the postage and mail said envelope to said defendant by registered mail and request a return receipt, or said justice, or justices' clerk, or the deputy clerk of the said justices' court may deliver personally, or cause to be delivered, said copy and order to the defendant in person. The justice, or justices' clerk or the deputy clerk of said justice court shall then attach to the original affidavit, the receipt for the registered letter and the return card thereon or other evidence of service of said affidavit and order.

Service
thereof.

CHAPTER 450.

An act to amend section four thousand two hundred forty-two of the Political Code, relating to the salaries, fees, and expenses of officers in counties of the thirteenth class.

[Approved June 21, 1923.]

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

SECTION 1. Section four thousand two hundred forty-two of the Political Code is hereby amended to read as follows:

4242. In counties of the thirteenth class, the county and township officers shall receive, as full compensation for the services required of them by law, or by virtue of their office, the following salaries: Salaries and fees of officers.

1. The county clerk, four thousand five hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the county clerk the following clerks, deputies and employees, who shall be appointed by the county clerk and shall be paid salaries as follows: One chief deputy at a salary of one hundred seventy-five dollars per month; two court room deputies at a salary of one hundred seventy-five dollars each per month; one office deputy at a salary of one hundred fifty dollars per month; one stenographer at a salary of one hundred twenty-five dollars per month; one copyist at a salary of one hundred dollars per month; *provided, further*, that in any year the compilation of registration of voters is required by law, or supplements to be made thereto, the county clerk shall receive as expenses for compiling such registration of voters and making supplements thereto and work incident to elections, the sum of seven and one-half cents for each name registered, to be paid upon the filing and presentation of duly verified claims therefor, by the county clerk with the board of supervisors of said county; *and provided, further*, that in any year when a registration of voters is required by law or supplements to be made thereto, the said county clerk may appoint such number of registration deputies as may be necessary for the registration of voters in their respective precincts, each of said deputies to receive the sum of ten cents per name for each elector registered by him; said registration deputies to be paid for their services on the presentation and filing with the board of supervisors of said county, a duly verified claim therefor on the general fund of said county, after proper allowance of said claim by said board of supervisors; the salary of the deputies, clerks and employees herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid; *provided, further*, that the compensation for registration of electors and compilation of the registration of voters and supplements thereto as herein provided for, shall not be paid in monthly installments but shall be paid after proper allowance of verified claims therefor by the board of supervisors of said county. County clerk.

Sheriff.

2. The sheriff, six thousand dollars per annum. All mileage for service of papers in civil actions arising either inside or outside of the county, excepting actions in which the county is interested. All fees for service of papers in civil actions. All expenses incurred in criminal cases and mileage in criminal cases, for each mile actually and necessarily traveled by automobile, twelve and one-half cents per mile. The sum of not less than thirty-seven and one-half cents per day each shall be allowed by the board of supervisors for feeding each prisoner committed to his custody; *provided*, that in counties of this class there shall be and there hereby is allowed to the sheriff the following deputies, clerks and employees, who shall be appointed by the sheriff, and shall be paid salaries as follows: One under sheriff at a salary of two hundred twenty-five dollars per month; one deputy sheriff at a salary of two hundred dollars per month; one deputy sheriff at a salary of one hundred seventy-five dollars per month; one deputy sheriff to act in criminal cases at a salary of one hundred seventy-five dollars per month; one deputy sheriff to act in criminal cases at a salary of one hundred fifty dollars per month; one deputy sheriff to act as day jailer at a salary of one hundred fifty dollars per month; one deputy sheriff to act as night jailer at a salary of one hundred fifty dollars per month; two deputy sheriffs to act as bailiffs at a salary of one hundred fifty dollars each per month; one stenographer to the sheriff at a salary of one hundred forty dollars per month; one office stenographer to the sheriff at a salary of one hundred ten dollars per month; *provided*, that the sheriff may employ from one to five persons to act as deputy sheriffs at a salary of not to exceed five dollars per day each, when in the judgment of the sheriff such deputies are necessary; *provided, however*, that the total amount of the compensation for such additional deputies to be paid per diem shall not in any fiscal year exceed the total sum of one thousand five hundred dollars; *provided, further*, that the compensation of said last mentioned deputies shall be paid upon presentation of duly verified claims filed with the board of supervisors of the said county in the same manner that other claims are filed and paid. The salaries of the deputies, clerks and employees herein provided for shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid.

Recorder.

3. The recorder, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the recorder the following deputies, clerks and employees, who shall be appointed by the county recorder, and shall be paid salaries as follows: One chief deputy at a salary of one hundred seventy-five dollars per month; one deputy at a salary of one hundred fifty dollars per month; two index clerks at a salary of one hundred fifteen dollars each per month; four copyists at a salary of one hundred fifteen dollars each per month; and one copyist, at such time as in the judg-

ment of the county recorder is necessary, at a salary of one hundred dollars per month. The salaries of the deputies, clerks and employes herein provided for shall be paid by the county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county recorder is paid.

4. The auditor, four thousand dollars per annum; *provided*, Auditor. that in counties of this class there shall be and there hereby is allowed to the auditor the following deputies, clerks and employes who shall be appointed by the county auditor and who shall be paid salaries as follows: One deputy auditor at a salary of one hundred seventy-five dollars per month; two clerks at a salary of one hundred dollars per month each; the salaries of the deputy and employes hereinabove provided for shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the auditor is paid; *provided, further*, that the said auditor is hereby allowed such clerks and employes as he may deem necessary and appoint at a salary not to exceed five dollars per day each; *provided, however*, that the total amount of salary and compensation paid to such clerks and employes on a per diem basis shall not exceed the total sum of nine hundred dollars per annum; *provided, further*, that such clerks and employes shall be paid for their services out of the same fund as the auditor is paid upon filing with the board of supervisors of said county their duly verified claims for the sums due them.

5. The treasurer, four thousand dollars per annum; *pro- Treasurer. vided*, that in counties of this class there shall be and there is hereby allowed to the treasurer, one deputy treasurer who shall be appointed by the treasurer and who shall receive a salary of one hundred seventy-five dollars per month; said salary to be paid in monthly installments at the same time and in the same manner and out of the same fund as the salary of the treasurer is paid; *provided, however*, that the bond of the treasurer and his deputy shall be executed with a reliable bonding and surety company and that the premiums on said bonds when the same have been duly approved, shall be a charge against the county and payable out of the general fund upon the presentation and filing of duly verified claims therefor with the board of supervisors.

6. The tax collector, four thousand dollars per annum; *provided*, Tax collector. that in counties of this class there shall be and there hereby is allowed to the tax collector the following clerks, deputies and employes, who shall be appointed by the tax collector, and shall be paid salaries as follows: One deputy tax collector at a salary of one hundred seventy-five dollars per month; one deputy tax collector at a salary of one hundred fifty dollars per month; one clerk at a salary of one hundred twenty-five dollars per month; one stenographer to the tax collector at a salary of one hundred dollars per month; and such copyists as the tax collector may appoint at a salary of

not to exceed three and one-half dollars per day each; *provided, however*, that the total amount of salary and compensation paid to such copyists shall not exceed the sum of three thousand dollars per annum; one index clerk to be paid at not to exceed one cent for each separate assessment appearing on the rolls each year; such copyists and index clerk to be paid for their services on the presentation and filing with the board of supervisors of said county their duly verified claims therefor. The salaries of the deputies, clerks and employees herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid; *provided, however*, that the compensation of said copyists and said index clerk shall be paid on the presentation and filing of claims with the board of supervisors as hereinbefore provided.

District
attorney.

7. The district attorney, six thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the district attorney the following deputies, clerks and employees, who shall be appointed by the district attorney, who shall hold office at the pleasure of the district attorney and shall be paid salaries as follows: One deputy district attorney at a salary of three hundred dollars per month; two deputy district attorneys at a salary of two hundred dollars per month each; and one stenographer to the district attorney at a salary of one hundred forty dollars per month; one stenographer at a salary of one hundred dollars per month. The salary of the deputies, clerks and employees herein provided for shall be paid by the said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the district attorney is paid. The district attorney and his deputies shall be allowed twelve and one-half cents per mile without any constructive mileage for his expenses for traveling, necessarily done by automobile; and his actual traveling expenses when he travels by rail.

Superintendent
of
schools.

8. The superintendent of schools, five thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the superintendent of schools, one deputy superintendent of schools, who shall be appointed by the superintendent of schools, and shall be paid a salary of one hundred fifty dollars per month; one field deputy superintendent of schools, who shall be appointed by the superintendent of schools to assist the superintendent of schools in the discharge of his duty in visiting and examining schools, as provided by the state law, and it shall be the duty of said field deputy superintendent of schools to make written report of his examination, to be transmitted by the superintendent of schools to each trustee of all districts so examined; said field deputy shall receive a salary of two hundred fifty dollars per month, and his actual and necessary traveling expenses while engaged in performing the duties of his office under the direction of the superintendent of schools; one deputy superintendent of schools who shall be a registered nurse, to be

appointed by the superintendent of schools, and who shall receive a salary of one hundred fifty dollars per month. The salary of the deputies provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of superintendent of schools is paid.

9. The assessor, six thousand dollars per annum; *provided*, Assessor. that in counties of this class there shall be and there hereby is allowed to the assessor the following clerks, deputies and employecs who shall be appointed by the assessor, and shall be paid salaries as follows: Two deputy assessors at a salary of one hundred seventy-five dollars per month each; one deputy assessor at one hundred fifty dollars per month; three field deputy assessors to hold office during not to exceed four months each in any one year, at a salary of one hundred seventy-five dollars per month each; one transfer deputy at a salary of one hundred twenty-five dollars per month; one stenographer at a salary of one hundred fifteen dollars per month; and such additional deputy assessors and clerks as the assessor may appoint, at a salary not to exceed five dollars per day each, not to exceed the sum of two thousand seven hundred fifty dollars per annum. The salaries of the deputies, clerks and employees herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the assessor is paid; *provided, however*, that the compensation of said additional deputy assessors and clerks at a salary not to exceed five dollars per day, shall be paid on the presentation and filing of claims with the board of supervisors as hereinbefore provided; *provided, however*, that in counties of this class the assessor shall receive no compensation or commission for collection of personal property taxes, nor shall such assessor receive any compensation or commission for making out the military roll of persons returned by him as subject to military duty as provided by section one thousand nine hundred one of the Political Code.

10. The coroner, such fees as are now or may hereafter be allowed by law; *provided, however*, Coroner. that in counties of this class the coroner shall be allowed for general services in holding an inquest, the sum of twenty-five dollars, and there shall be and there hereby is allowed to the county coroner one stenographer to the coroner whose duty it shall be to act as reporter, and take down in shorthand and transcribe into long hand the testimony of the witnesses at all inquests. Said stenographer to the coroner shall be appointed by the coroner and be paid a salary of one hundred dollars per month; which salary shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county officers are paid. The county coroner is further allowed to rent an office for a sum not to exceed fifteen dollars per month, which rental shall be paid on the presentation and filing of duly verified claims therefor with the board of supervisors of said county. All subpoenas

or processes issued by said coroner may be served by any peace officer and fees for such service shall be paid as provided by law.

Public administrator.

11. The public administrator, such fees as are now or may be hereafter allowed by law.

Surveyor.

12. The surveyor, six thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the surveyor the following deputies and employes who shall be appointed by the surveyor and hold office at his pleasure: One assistant surveyor at a salary of two hundred fifty dollars per month; one office engineer at a salary of two hundred ten dollars per month; one field engineer at a salary of two hundred ten dollars per month; one draughtsman at a salary of one hundred eighty dollars per month; three chain men at a salary of one hundred twenty-five dollars per month each. The salary of the deputies and employes herein provided for shall be paid by said county at the same time and in the same manner and out of the same fund as the salary of the surveyor is paid. The surveyor shall be allowed his actual reasonable and necessary expenses incurred in the discharge of his official duties, which said expenses shall be paid upon the filing of a claim for the same with the board of supervisors.

Justices of the peace.

13. Justices of the peace shall receive the following monthly salaries to be paid each month as the salaries of county officers are paid which shall be in full for all services rendered by them in criminal cases: (1) In townships having a population of ten thousand and one, or more, two hundred dollars per month; (2) in townships having a population of from seven thousand and one, or more, to ten thousand, inclusive, one hundred seventy-five dollars per month; (3) in townships having a population of from four thousand and one to seven thousand, inclusive, one hundred fifty dollars per month; (4) in townships having a population of three thousand and one to four thousand, inclusive, one hundred twenty-five dollars per month; (5) in townships having a population of two thousand five hundred or more and less than three thousand, fifty dollars a month; (6) in townships having a population of two thousand or more, and less than two thousand five hundred, forty-five dollars a month; (7) in townships having a population of one thousand two hundred or more, and less than two thousand, forty dollars a month; (8) in townships having a population of one thousand or more and less than one thousand two hundred, twenty dollars a month; (9) in townships having a population of four hundred fifty or more, and less than one thousand, fifteen dollars a month; (10) in townships having a population of less than four hundred fifty, five dollars per month. Each justice must pay into the county once a month all fines and fees collected by him in criminal and civil cases, and the auditor must withhold warrants for salary until a certified statement has been filed with him of all criminal and civil cases tried or filed and fines and fees collected and paid into the county treasury. In addition to the monthly salary herein, each justice may receive as expenses for maintaining

his office such sum as may be necessary, not to exceed twenty per cent of the amount allowed him as salary.

14. Constables shall receive the following salaries to be paid Constables. each month as salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: (1) In townships having a population of three thousand or more, one hundred fifty dollars a month; (2) in townships having a population of two thousand five hundred or more, and less than three thousand, eighty dollars a month; (3) in townships having a population of two thousand or more and less than two thousand five hundred, seventy-seven and one-half dollars a month; (4) in townships having a population of one thousand two hundred or more, and less than two thousand, seventy-five dollars a month; (5) in townships having a population of one thousand or more, and less than one thousand two hundred, thirty-five dollars a month; (6) in townships having a population of four hundred fifty or more, and less than one thousand, twenty-five dollars a month; (7) in townships having a population of less than four hundred fifty, five dollars a month: *provided, further*, that in addition to the salary herein allowed each constable shall be paid out of the treasury of the county for traveling expenses outside of his own township, for services of warrant of arrest or any other paper in a criminal case, such fees as are now or may be hereafter allowed by law. For serving a coroner's subpoena the same fees and mileage as are now or may hereafter be allowed by law for the service of a subpoena issued out of a justice's court. For summoning a coroner's jury the same fees as are now or may be hereafter allowed for summoning a jury in a civil action in the justice's court. For transporting prisoners to the county jail, the expenses of such transportation. In addition to the monthly salary allowed him herein, each constable may receive for his own use in civil cases the fees allowed by law. In addition to the monthly salary allowed herein, each constable in townships having a population of three thousand five hundred or more may receive as expenses for maintaining his office each month a sum not to exceed twenty-five per cent of the amount allowed him as salary.

15. The population of the several judicial townships, for Population
of
townships. the purposes of fixing the compensation of township officers, shall be ascertained and declared by the board of supervisors in the month of July, 1926, and in the month of July every four years thereafter.

16. Each member of the board of supervisors one thousand Supervisors five hundred dollars per annum for personal services performed by him as supervisor, member of the board of equalization and road commissioner. Each supervisor shall also receive as expenses, as supervisor and road commissioner, not to exceed twenty cents per mile each way traveling to and from his residence while engaged in the performance of the duties of supervision of public roads as commissioner, or other

business of the county, said expenses not to exceed fifty dollars in any one month.

Official
bonds.

17. The bonds of county officers, their assistants, deputies and employees such as required by law to be furnished when executed with a reliable bond and surety company, the cost of said bond when duly approved, shall be a charge against the county payable out of the general fund.

Traffic
officer.

18. The traffic officer, one hundred seventy-five dollars per month; *provided*, that in counties of this class there shall be and there hereby is allowed to the traffic officer the following deputies, which offices are hereby created, who shall be appointed by the traffic officer and be paid salaries as follows: Six deputy traffic officers at a salary of one hundred sixty-five dollars per month each. The salaries of the deputies herein provided for shall be paid by the county monthly at the same time and in the same manner and out of the same fund as the salary of the traffic officer is paid; *provided*, that all the provisions of this subsection are to apply to the office of county traffic officer whenever said office of county traffic officer is created by law.

Expenses
of officers.

19. Actual, reasonable and necessary expenses shall be allowed all the officers of the county in the discharge of their official duties. Detail expense accounts must be rendered on the first day of each month for the expenses incurred within the previous month. For traveling; necessarily done by automobile an officer shall be allowed mileage at the rate of twelve and one-half cents per mile without any constructive mileage except as herein otherwise provided.

CHAPTER 451.

An act to amend section four thousand two hundred sixty-one of the Political Code, relating to the salaries, fees and expenses of officers in counties of the thirty-second class.

[Approved June 21, 1923.]

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

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

Salaries and
fees of
officers.

4261. In counties of the thirty-second class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

County clerk.

1. The county clerk, three thousand two hundred fifty dollars per annum; and also such compensation as is now or may hereafter be allowed by law: and in each year in which a new and complete registration of voters is required by law he shall receive such an amount as shall be necessary to pay deputy registration clerks for taking affidavits of registration outside of the office at the rate of ten cents each, and such an amount as shall be necessary to pay deputies in the office for

enrolling the registrations upon the great register at the rate of four cents each, the claims for which shall be presented and allowed by the board of supervisors as other claims are presented and allowed: he may also appoint a deputy clerk, which office of deputy clerk is hereby created, whose salary shall be one thousand two hundred dollars per annum, payable as the salaries of county officers are paid. The provisions of this subsection do not increase the compensation of a county officer and shall take effect immediately.

2. The sheriff, six thousand dollars per annum.

Sheriff

3. The recorder, two thousand two hundred fifty dollars per annum; *provided*, that such recorder shall collect and pay into the county treasury for the use and benefit of the county the fees required by law to be so collected; *and provided*, that when the amount of said fees so collected shall amount to more than two hundred dollars in any one month, the said recorder may receive and retain for his own use, in addition to his salary, one-half of all fees in excess of two hundred dollars in one month so collected; *and provided*, that in counties of this class the recorder may appoint two deputy recorders for service in his office, which offices of deputies for the county recorder are hereby created, one of said deputies shall receive as compensation for his services the sum of one thousand two hundred dollars per annum; and one of said deputies shall receive as compensation for his services the sum of one thousand twenty dollars per annum, to be paid out of the county treasury in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the recorder is paid.

Recorder.

4. The auditor, two thousand five hundred dollars per annum; he may also appoint a deputy auditor, which office of deputy auditor is hereby created, whose salary shall be seventy-five dollars per month, payable as the salaries of all other county officers are paid. The provisions of this subsection do not increase the compensation of a county officer and shall take effect immediately.

Auditor.

5. The treasurer, two thousand dollars per annum; *and provided*, that in counties of this class the treasurer may appoint a deputy treasurer, which office of deputy treasurer is hereby created, and said deputy treasurer shall receive as compensation for such service the sum of nine hundred dollars per annum, to be paid out of the county treasury in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the treasurer is paid.

Treasurer

6. The tax collector, one thousand dollars per annum; *provided* that said tax collector shall perform the duties and receive and retain for his own use, the fees provided by law for the license tax collector.

Tax collector.

7. The assessor, four thousand two hundred fifty dollars per annum; *provided*, that in counties of this class the assessor may appoint a field deputy, which office of field deputy is hereby created, who shall hold office from the first day of

Assessor.

March of each year up to and including the last day of July of each year. The salary of said field deputy herein provided for is fixed at the sum of one hundred fifty dollars per month, to include expenses for each month during which the said field deputy holds office, as herein provided. The salary of said field deputy shall be paid at the same time, in the same manner and out of the same fund as the salaries of other county officers are paid.

District
attorney.

8. The district attorney, two thousand four hundred dollars per annum; he may also appoint a deputy, which office of deputy district attorney is hereby created, whose salary shall be one thousand dollars per annum, payable as the salaries of other county officers are paid.

Coroner.

9. The coroner, such fees as are now or may hereafter be allowed by law.

Public ad-
ministrator.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

Superintend-
ent of
schools.

11. The superintendent of schools, two thousand four hundred dollars per annum, including services on the board of education. He shall be allowed his actual traveling expenses not to exceed five hundred dollars per annum; he shall also be allowed one deputy whose salary shall be seventy-five dollars per month, payable the same as the salary of county officers; *provided*, that he shall keep his office open from nine o'clock a.m. to five o'clock p.m., of each business day.

Surveyor.

12. The surveyor shall receive a per diem of ten dollars for all work performed for the county, in addition thereto all necessary expenses and transportation on work performed in the field.

Classifica-
tion of
townships.

13. For the purpose of fixing the compensation of justices of the peace according to their duties, townships of this class of counties are hereby classified according to population. The population shall be determined by the board of supervisors upon the enactment of this act, and also at the time of the formation of any new township or townships.

Townships having a population of over three thousand shall belong to and be known as townships of the first class; townships having a population of one thousand five hundred and less than three thousand shall belong to and be known as townships of the second class; townships having a population of one thousand and less than one thousand five hundred shall belong to and be known as townships of the third class; townships having a population of four hundred and less than one thousand shall belong to and be known as townships of the fourth class; townships having a population of three hundred and less than four hundred shall belong to and be known as townships of the fifth class; townships having a population of less than three hundred shall belong to and be known as townships of the sixth class.

Justices of
the peace.

Justices of the peace shall receive the following salaries: In townships of the first class, the sum of nine hundred dollars; in townships of the second class, the sum of six hundred sixty dollars; in townships of the third class, three hundred

twenty dollars; in townships of the fourth class, one hundred eighty dollars; in townships of the fifth class, one hundred twenty dollars; in townships of the sixth class, sixty dollars.

Such salaries shall be paid in the same manner and out of the same fund as the salaries of county officers are paid and shall be compensation in full for all services rendered.

All fees received by justices of the peace shall be paid into the county treasury every month.

14. The constable shall receive the following fees, to wit: Constables.
 For serving summonses and complaint, for each defendant served one dollar; for each copy of summons for service when made by him, twenty-five cents; for levying writ of attachment or execution or executing order of arrest or for the delivery of personal property, one dollar; for keeping personal property, such sum as the court may order, but no more than two dollars per day shall be allowed for a keeper when necessarily employed; for taking bond or undertaking, fifty cents; for copies of writs and other papers, except summonses, complaints and subpoenas, per folio ten cents; *provided*, that when correct copies are furnished him for use, no charge shall be made for copies. for serving any writ, notice or order, except summonses, complaint or subpoenas, for each person served, fifty cents: for writing and posting each notice of sale of property, twenty-five cents: for serving subpoenas, each witness, including copy twenty-five cents; for collecting money on execution, two and one-half per cent, to be charged against the defendant named in the execution; for executing and delivering a certificate of sale, one dollar: for executing and delivering constable's deeds, two dollars: for every mile necessarily traveled in his township, in going only, to serve any civil or criminal process or paper, or to take a prisoner before a magistrate or to a prison, twenty-five cents, outside of his township, but within his county, twenty cents; but when two or more persons are served or summoned in the same suit and at the same time, mileage shall be charged only for the more distant if they live in the same direction; for each mile traveling outside his county in making criminal arrests, both going and returning from the place of arrest, ten cents; in transporting prisoners to the county jail, or before a magistrate either upon arrest or for trial or examination or after conviction, he shall receive in addition to the above mileage his actual and necessary expenses for himself and prisoners; *provided*, that if two or more prisoners are transported at the same time, no more than one mileage shall be allowed; for making each arrest in criminal cases, one dollar and fifty cents; for sales of estrays, the same fees as for sales on execution; for summoning a jury two dollars, including mileage; for all other services, the same fees as are allowed sheriffs for like services: *provided, further*, that no more than sixty dollars shall be allowed to any constable in counties of this class in any one month for fees and mileage in criminal matters.

Supervisors.

15. Each supervisor, six hundred dollars per annum, and twenty cents per mile for traveling from his residence to and from the county seat; *provided*, such mileage shall not be allowed more than once a month; and for his services as road commissioner he shall receive twenty cents a mile one way, for all distances actually and necessarily traveled by him in the performance of his duties; *provided*, he shall not in any one year receive more than six hundred dollars as such road commissioner. The road commissioner shall be reimbursed for all traveling personal and other necessary expenses while actually engaged in the performance of their duties upon the road; *provided*, that the full amount of expenses incurred shall not exceed six hundred dollars in any one year, to be allowed as any other claim by the board of supervisors.

Traffic officer.

16. The county traffic officer, two thousand two hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the county traffic officer one deputy, which office is hereby created. Said deputy shall be appointed by said county traffic officer and shall receive a salary of two thousand two hundred dollars per annum which shall be paid by said county in monthly installments at the same time, in the same manner and out of the same fund as the salary of the county traffic officer is paid. Said traffic officer and his deputy shall provide their own motorcycles or other vehicles and shall pay all of the expense of the upkeep of such machines and the said county shall provide gasoline and oil for the purpose of propelling the same; *and provided*, *further*, that there shall be and there is allowed to the county traffic officer a sum not to exceed one thousand two hundred dollars in any one year to be used in carrying out the duties of his office. All the provisions of this paragraph are to apply to the office of county traffic officer and his deputy whenever said office of county traffic officer is created by law.

Jurors.

17. In counties of this class grand jurors and jurors in the superior court shall receive for each day's attendance the sum of three dollars, and for each mile actually and necessarily traveled from residence to county seat the sum of twenty-five cents; such mileage to be allowed but once during each session such jurors are required to attend.

Effect of act.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 452.

An act to be known as "Palo Verde irrigation district act", creating a consolidated irrigation, protection and reclamation district, subject to the approval of the owners of property within the district, to be known as "Palo Verde irrigation district", for the purpose of taking over the water rights and water system of the Palo Verde Mutual Water Company, a corporation, and of the stockholders thereof; the levees, properties and functions of the Palo Verde joint levee district of Riverside and Imperial counties, California; the properties and functions of the Palo Verde drainage district; and for the acquiring of such other properties, the construction of such other improvements and the doing of such other things as may be necessary for providing a unified and comprehensive method of supplying the irrigable low lands of Palo Verde valley comprised within the district with water for irrigation and domestic uses, reclaiming the swamp lands, destruction of mosquito pests, and protecting all the lands within the district, and the water system, from flood waters of the Colorado river, and for maintaining, improving, expanding and operating and governing the entire irrigation, protection and reclamation systems through a single district organization; providing also for the assumption, funding and payment of the bond and other obligations of said Palo Verde Mutual Water Company and said levee and drainage districts, and for the issuance of bonds for all of the aforesaid purposes; and providing for the payment, funding and refunding of all such indebtedness: providing also for an election to determine whether this district shall be organized, and for the organization, management and control of the district through a board of trustees if the proposed district is organized; defining the powers and duties of the board, authorizing the district to sue and be sued, providing for the levy and collection of assessments to finance the acquisition of the properties, to carry on the construction work, maintenance and operation of the same, and for the payment of bonds and the expense of maintaining the district created hereby; providing also a means for dissolving said district.

[Approved June 21, 1923.]

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

SECTION 1. The State of California and the people thereof are hereby declared to have a primary and supreme interest in securing to the inhabitants and property owners of the low irrigable lands within what is known as the "Palo Verde valley," in Riverside and Imperial counties, the greatest possible use, conservation and protection of the waters of the Colorado river to the extent that the same may be lawfully diverted to their lands, to the end that their water system, their land, structures and other properties may be protected

Declaration
of public
interest.

from overflow of the flood waters of said river, their swamp lands drained, and thereby the greatest productivity of the largest possible area may be accomplished and safely carried on within reasonable limits of economy.

Necessity
for this
act

Investigation having shown conditions in the Palo Verde valley to be peculiar to that valley, it is hereby declared that a general law cannot be applicable thereto, and the enactment of this special law is therefore necessary for the proper distribution and use of the waters available for the valley, the protection of the valley against inundation, the reclamation of the swamp lands, and financing the development of the valley by the means herein provided.

"Palo Verde
Irrigation
district"
created.

SEC. 2. There is hereby created, subject to the approval of the owners of property within the district as hereinafter provided, a unified irrigation, protection and reclamation district, to be known and designated as, "Palo Verde irrigation district," hereinafter in this act referred to as the "district," and which shall comprise all of the lands now included both within the boundaries of the Palo Verde joint levee district of Riverside and Imperial counties, California, and the Palo Verde drainage district, both of which are now in existence, and the boundaries of the district proposed to be created by this act are more particularly described as follows:

Boundaries.

Beginning at a point which is north thirty-nine degrees thirty minutes east, two thousand two hundred seventy-three feet from the corner common to sections seven (7) and eighteen (18), township five (5) south, range twenty-four (24) east, and sections twelve (12) and thirteen (13), township five (5) south, range twenty-three (23) east, San Bernardino base and meridian;

Thence running southeasterly eight thousand feet, more or less, to a point which is two thousand three hundred fifty feet south sixty-seven degrees forty-six minutes east of the corner common to sections thirteen (13) and twenty-four (24), township five (5) south, range twenty-three (23) east, and sections eighteen (18) and nineteen (19), township five (5) south, range twenty-four (24) east, San Bernardino base and meridian;

Thence nine hundred feet south sixty-seven (67) degrees forty-six (46) minutes east to a point at the Blythe intake;

Thence four hundred sixty feet south twenty-nine degrees ten minutes west to a point;

Thence southwesterly six thousand thirty-four feet, more or less, to a point on the range line between section twenty-five (25), township five (5) south, range twenty-three (23) east, and section thirty (30), township five (5) south, range twenty-four (24) east, distant one thousand seven hundred sixteen feet south from the corner common to sections twenty-four (24) and twenty-five (25), township five (5) south, range twenty-three (23) east, and sections nineteen (19) and thirty (30), township five (5) south, range twenty-four (24) east, San Bernardino base and meridian;

Thence southwesterly fifteen thousand three hundred twelve feet, more or less, to a point on the line between sections two (2) and eleven (11), township six (6) south, range twenty-three (23) east, San Bernardino base and meridian, distant five hundred twenty-eight feet west from the corner common to sections one (1), two (2), eleven (11) and twelve (12), township six (6) south, range twenty-three (23) east, San Bernardino base and meridian; Boundaries.

Thence southeasterly fifteen thousand nine hundred forty-eight feet, more or less, to a point on the line between sections twenty-four (24) and twenty-five (25), township six (6) south, range twenty-three (23) east, San Bernardino base and meridian, distant one thousand three hundred twenty feet east from the corner common to sections twenty-three (23), twenty-four (24), twenty-five (25) and twenty-six (26) of the said township and range;

Thence southeasterly three thousand thirty-six feet, more or less, to the center of section twenty-five (25), township six (6) south, range twenty-three (23) east, San Bernardino base and meridian;

Thence southerly along the quarter section line of sections twenty-five (25) and thirty-six (36), township six (6) south, range twenty-three (23) east, San Bernardino base and meridian, four thousand two hundred twenty-four feet, more or less, to a point one thousand fifty-six feet north of the center of said section thirty-six (36);

Thence southwesterly nine thousand seven hundred sixty-eight feet, more or less, to a point on the quarter line of section two (2), township seven (7) south, range twenty-three (23) east, San Bernardino base and meridian, distant three hundred two feet east from the quarter corner common to sections two (2) and three (3), township seven (7) south, range twenty-three (23) east, San Bernardino base and meridian;

Thence southeasterly ten thousand six hundred fifty-seven feet, more or less, to a point on the quarter section line of section fourteen (14), township seven (7) south, range twenty-three (23) east, San Bernardino base and meridian, distant eight hundred ninety-seven feet westerly from the center of said section fourteen (14);

Thence southwesterly eight thousand seven hundred twelve feet, more or less, to an intersection with the south line of section twenty-two (22), township seven (7) south, range twenty-three (23) east, San Bernardino base and meridian, at a point one thousand one hundred eighty-eight feet east of the quarter section corner common to sections twenty-two (22) and twenty-seven (27) of said township and range;

Thence westerly nine thousand one hundred eight feet, more or less, to the corner common to sections twenty (20), twenty-one (21), twenty-eight (28) and twenty-nine (29), township seven (7) south, range twenty-three (23) east, San Bernardino base and meridian;

Boundaries.

Thence southwesterly on a line which if produced would pass through the northeast corner of southwest quarter of said fractional section twenty-nine (29), to its intersection with the east boundary of lot two (2) of the said fractional section twenty-nine (29);

Thence southerly along the east boundary of the said lot two (2) of the said fractional section twenty-nine (29) to the southeast corner of the said lot two (2);

Thence westerly along the south boundary of the said lot two (2) of the said fractional section twenty-nine (29) to the northeast corner of the southwest quarter of the said fractional section twenty-nine (29);

Thence southwesterly eight thousand nine hundred seventy-six feet, more or less, to a point on the line between townships seven (7) and eight (8) south, range twenty-three (23) east, San Bernardino base and meridian, distant one thousand fifty-six feet east of the quarter section corner common to section thirty-one (31), township seven (7) south, range twenty-three (23) east, and section six (6), township eight (8) south, range twenty-three (23) east, San Bernardino base and meridian;

Thence southwesterly six thousand four hundred sixty-eight feet, more or less, to a point on the quarter section line of section seven (7), township eight (8) south, range twenty-three (23) east, San Bernardino base and meridian, distant five hundred twenty-eight feet east of the quarter section corner common to section twelve (12), township eight (8) south, range twenty-two (22) east, and section seven (7), township eight (8) south, range twenty-three (23) east, San Bernardino base and meridian;

Thence southwesterly to the section corner common to sections twelve (12) and thirteen (13), township eight (8) south, range twenty-two (22) east, and sections seven (7) and eighteen (18), township eight (8) south, range twenty-three (23) east, San Bernardino base and meridian;

Thence southerly two thousand six hundred forty feet more or less, to the southeast corner of the northeast quarter of fractional section thirteen (13), township eight (8) south, range twenty-two (22) east, San Bernardino base and meridian;

Thence southwesterly three thousand seven hundred thirty-three feet, more or less, to the southeast corner of lot three (3) of said fractional section thirteen (13);

Thence in a southwesterly direction seven thousand sixteen feet, more or less, to a point on the quarter section line of fractional section twenty-three (23), township eight (8) south, range twenty-two (22) east, San Bernardino base and meridian, distant six hundred sixty feet north of the southeast corner of the southwest quarter of said section twenty-three (23);

Thence in a southerly direction six hundred sixty feet to the southeast corner of the southwest quarter of the said section twenty-three (23);

Thence southeasterly three thousand seven hundred thirty-three feet, more or less, to the quarter section corner common to sections twenty-five (25) and twenty-six (26), township eight (8) south, range twenty-two (22) east, San Bernardino base and meridian; Boundaries.

Thence south seven thousand nine hundred twenty feet, more or less, to the southeast corner of section thirty-five (35), township eight (8) south, range twenty-two (22) east, San Bernardino base and meridian;

Thence in a southwesterly direction nine thousand six hundred thirty-six feet, more or less, to the quarter section corner common to sections four (4) and five (5), township nine (9) south, range twenty-two (22) east, San Bernardino base and meridian;

Thence west thirteen thousand two hundred feet more or less, to the center of section one (1), township nine (9) south, range twenty-one (21) east, San Bernardino base and meridian;

Thence in a southerly direction ten thousand five hundred sixty feet more or less, to the center of section thirteen (13), township nine (9) south, range twenty-one (21) east, San Bernardino base and meridian;

Thence in a southwesterly direction seven thousand three hundred ninety-two feet, more or less, to the center of section twenty-three (23), township nine (9) south, range twenty-one (21) east, San Bernardino base and meridian;

Thence in a westerly direction three thousand four hundred thirty-two feet, more or less, to a point on the quarter section line of section twenty-two (22), township nine (9) south, range twenty-one (21) east, San Bernardino base and meridian, distant seven hundred ninety-two feet in a westerly direction from the quarter section corner common to sections twenty-two (22) and twenty-three (23) of said township and range;

Thence in a northwesterly direction three thousand one hundred sixty-eight feet, more or less, to the quarter section corner between sections fifteen (15) and twenty-two (22), township nine (9) south, range twenty-one (21) east, San Bernardino base and meridian;

Thence in a northerly direction fifteen thousand eight hundred forty feet, more or less, to the quarter corner of section three (3), township nine (9) south, range twenty-one (21) east, San Bernardino base and meridian, at the line between townships eight (8) and nine (9) south in said range;

Thence in a northeasterly direction six thousand feet, more or less, to the section corner common to sections twenty-five (25), twenty-six (26), thirty-five (35) and thirty-six (36), township eight (8) south, range twenty-one (21) east, San Bernardino base and meridian;

Thence in a northerly direction eighteen thousand four hundred eighty feet, more or less, to the quarter section corner common to sections eleven (11) and twelve (12), township

Boundaries.

eight (8) south, range twenty-one (21) east, San Bernardino base and meridian;

Thence in a northeasterly direction nine thousand two hundred forty feet, more or less to a point on the quarter section line of section thirty-six (36), township seven (7) south, range twenty-one (21) east, San Bernardino base and meridian, distant one thousand three hundred twenty feet in an easterly direction from the center of said section thirty-six (36);

Thence in a northerly direction five thousand two hundred eighty feet, more or less, to a point on the quarter section line of section twenty-five (25), township seven (7) south, range twenty-one (21) east, San Bernardino base and meridian, distant one thousand three hundred twenty feet in an easterly direction from the center of said section twenty-five (25);

Thence in a northeasterly direction two thousand nine hundred four feet, more or less, to the corner common to sections twenty-four (24) and twenty-five (25), township seven (7) south, range twenty-one (21) east, and sections nineteen (19) and thirty (30), township seven (7) south, range twenty-two (22) east, San Bernardino base and meridian;

Thence in a northeasterly direction three thousand nine hundred sixty feet, more or less, to the center of section nineteen (19), township seven (7) south, range twenty-two (22) east, San Bernardino base and meridian;

Thence in a northerly direction two thousand six hundred forty feet, more or less, to the quarter corner between sections eighteen (18) and nineteen (19) township seven (7) south, range twenty-two (22) east, San Bernardino base and meridian;

Thence in a northeasterly direction eight thousand four hundred forty-eight feet, more or less, to the quarter section corner between sections seven (7) and eight (8), township seven (7) south, range twenty-two (22) east, San Bernardino base and meridian;

Thence in a northeasterly direction eight thousand four hundred forty-eight feet, more or less, to the quarter section corner between sections four (4) and nine (9), township seven (7) south, range twenty-two (22) east, San Bernardino base and meridian;

Thence in a northeasterly direction four thousand seven hundred fifty-two feet, more or less, to the corner between lots one (1) and two (2), section four (4), and lots one (1) and two (2), section three (3), township seven (7) south, range twenty-two (22) east, San Bernardino base and meridian;

Thence in a northeasterly direction six thousand eight hundred sixty-four feet to the quarter section corner between sections twenty-seven (27) and thirty-four (34), township six (6) south, range twenty-two (22) east, San Bernardino base and meridian;

Thence in a northerly direction two thousand six hundred forty feet, more or less to the center of section twenty-seven (27), township six (6) south, range twenty-two (22) east, San Bernardino base and meridian; Boundaries.

Thence in a northeasterly direction three thousand six hundred ninety-six feet, more or less, to the corner common to sections twenty-two (22), twenty-three (23), twenty-six (26), and twenty-seven (27), township six (6) south, range twenty-two (22) east, San Bernardino base and meridian;

Thence in a northeasterly direction five thousand eight hundred eight feet, more or less, to the quarter section corner between sections twenty-three (23) and twenty-four (24), township six (6) south, range twenty-two (22) east, San Bernardino base and meridian;

Thence in a northerly direction on the line common to sections twenty-three (23) and twenty-four (24), thirteen (13) and fourteen (14), eleven (11) and twelve (12), township six (6) south, range twenty-two (22) east, San Bernardino base and meridian, ten thousand ninety-eight feet more or less, to a point two thousand one hundred seventy-eight feet in a northerly direction from the corner common to said sections eleven (11), twelve (12), thirteen (13) and fourteen (14);

Thence in an easterly direction on a line parallel with the line between sections twelve (12) and thirteen (13), township six (6) south, range twenty-two (22) east, San Bernardino base and meridian, four thousand six hundred twenty feet, more or less, to a point six hundred sixty feet in a westerly direction from the east line of the said section twelve (12);

Thence in a northerly direction on a line parallel with the east line of said section twelve (12), four thousand twenty-six feet, more or less, to a point nine hundred twenty-four feet north of the north line of said section twelve (12);

Thence in a northeasterly direction one thousand seven hundred eighty-two feet, more or less, to the quarter section corner common to section one (1), township six (6) south, range twenty-two (22) east, and section six (6), township six (6) south, range twenty-three (23) east, San Bernardino base and meridian;

Thence in a northeasterly direction eleven thousand seven hundred forty-eight feet, more or less, to the quarter section corner common to sections thirty-two (32) and thirty-three (33), township five (5) south, range twenty-three (23) east, San Bernardino base and meridian;

Thence northeasterly nine thousand five hundred four feet, more or less, to a point on the line between section twenty-seven (27) and thirty-four (34), township five (5) south, range twenty-three (23) east, San Bernardino base and meridian; distant one thousand three hundred twenty feet in a westerly direction from the corner common to sections twenty-six (26), twenty-seven (27), thirty-four (34) and thirty-five (35) of said township and range;

Boundaries.

Thence in a northerly direction one thousand three hundred twenty feet, more or less, to the center of the southeast quarter of section twenty-seven (27), township five (5) south, range twenty-three (23) east, San Bernardino base and meridian;

Thence in an easterly direction one thousand three hundred twenty feet, more or less, to a point on the line between sections twenty-six (26) and twenty-seven (27), township five (5) south, range twenty-three (23) east, San Bernardino base and meridian, distant one thousand three hundred twenty feet in a northerly direction from the corner common to sections twenty-six (26), twenty-seven (27), thirty-four (34) and thirty-five (35) of said township and range;

Thence in a northerly direction one thousand three hundred twenty feet, more or less, to the quarter section corner between sections twenty-six (26) and twenty-seven (27), township five (5) south, range twenty-three (23) east, San Bernardino base and meridian;

Thence in an easterly direction seven thousand nine hundred twenty feet, more or less, to the center of section twenty-five (25), township five (5) south, range twenty-three (23) east, San Bernardino base and meridian;

Thence in a northerly direction on the quarter section line of the said section twenty-five (25), one thousand three hundred twenty feet to a point;

Thence in an easterly direction one thousand three hundred twenty feet, more or less, to the center of the northeast quarter of the said section twenty-five (25);

Thence in a northeasterly direction one thousand eight hundred forty-eight feet, more or less, to the corner common to sections twenty-four (24) and twenty-five (25), township five (5) south, range twenty-three (23) east, and sections nineteen (19) and thirty (30), township five (5) south, range twenty-four (24) east, San Bernardino base and meridian;

Thence in a northeasterly direction two thousand nine hundred four feet, more or less, to a point on the quarter section line of section nineteen (19), township five (5) south, range twenty-four (24) east, San Bernardino base and meridian, distant one thousand three hundred twenty feet in an easterly direction from the quarter section corner between section twenty-four (24), township five (5) south, range twenty-three (23) east, and section nineteen (19), township five (5) south, range twenty-four (24) east, San Bernardino base and meridian;

Thence in a northerly direction on a line parallel with the range line between ranges twenty-three (23) and twenty-four (24) east, San Bernardino base and meridian, ten thousand thirty-two feet, more or less, to a point one hundred feet due west of the point of beginning; and

Thence due east one hundred feet to the point of beginning.

Sec. 3. The board of supervisors of Riverside county (in which county by far the greater part of the property within the proposed district is situated) shall, not sooner than thirty (30) days after this act takes effect, but within sixty (60) days from that date, give notice of an election to be held in such proposed district for the purpose of determining whether or not the same shall be organized under the provisions of this act. Such notice shall state that the lands comprised within the proposed district are all the lands comprised within both the Palo Verde joint levee district of Riverside and Imperial counties, California, and the Palo Verde drainage district, and shall refer to this act for a particular description of the boundaries of this proposed district. The notice shall also designate some convenient place to be selected by the board of supervisors of Riverside county, within the city of Blythe, where the voters of the district, entitled to vote, may cast their ballots, and shall also state that the owners of real property or an interest therein within the district, shall, on a date to be fixed by the said board of supervisors, and designated in the notice, which shall not be more than forty (40) days following the first publication of the notice, be called upon to vote upon the question of whether the district created by this special act shall be approved and organized for the purposes and with all the powers and duties provided herein; and likewise, that they will be called upon to vote for the election of seven (7) persons to comprise the members of the board of trustees of said district, to serve until their successors are elected and qualified as provided in this act, and that the seven persons receiving the highest number of votes at such election shall be deemed elected, and shall take office provided the organization of such district under this act is approved by a majority of the votes of the property owners.

Notice of election relative to organization and of trustees.

Such notice shall also state that only owners of real property within the district, or an interest therein, and whose property appears upon the last equalized county assessment roll as having been assessed for taxation, shall be entitled to vote, but that such property owners may vote by proxy as well as personally, all as more fully set forth in the provisions of this act, reference to which shall be made in said notice.

The notice calling the election above mentioned shall be given by said board of supervisors by causing a copy thereof to be posted in at least three (3) public places within the district, at least twenty (20) days prior to the date of the election, and also by publishing a copy of such notice by three weekly publications preceding the election, in some newspaper of general circulation published within the district.

Publication of notice.

Affidavits of the publication and posting of such notice must be filed with the clerk of the board of supervisors of Riverside county, and shall be prima facie proof of performance of the acts therein set forth.

Provided, however, that the board of supervisors of Riverside county shall not call such election nor give the notice unless requested to do so in writing, signed by an owner of

Petition for election.

real property within the district, which request must be presented to the board within the time for the calling of the election as above provided; and unless also said request is accompanied with a good and sufficient undertaking to be approved by the board of supervisors of Riverside county, in double the amount of the probable cost of organizing such district, conditioned that the surety shall pay all of said costs of calling and holding such election in case the creation and organization of said district is not approved.

Bond for costs.

Ballot.

SEC. 4. The Ballot, and Manner of Conducting Election. The board of supervisors shall provide a ballot to be used at said election, and the proposal to organize this district shall be submitted thereon in substantially the following form:

Shall the proposed Palo Verde irrigation district be organized as provided in the act of the legislature known as the "Palo Verde irrigation district act," adopted by the legislature at its last regular session.

Opposite, shall be the word "Yes", followed by a space for the insertion of a cross; and also opposite the proposal, the word "No", followed by a space for a cross; so that the voter may indicate his intention of voting for or against the same by stamping a cross in the space opposite the word "Yes" or "No".

Not less than twelve (12) days before the election, any ten or more owners of property within the district may file with the board of supervisors of Riverside county a petition requesting that certain persons specified in such petition be placed on the ballots as candidates for the office of trustee. The names proposed by the various petitions so filed, and no others, shall be printed on the ballots. But there shall be sufficient blank spaces left in which electors may write other names if they so desire, and when a name is written in such blank space, the vote shall be counted for the person whose name is so written in. The petition shall be preserved by said board of supervisors. Suitable instruction shall be printed on the ballot, informing the voter of his right to vote for seven persons, either by stamping a cross opposite any seven of the names appearing on the ballot, or by writing in other names, but that he shall not vote for more than seven altogether.

Election board.

Said board of supervisors shall also, by the order calling such election, appoint a board of election for conducting the election at the polling place, which board shall consist of three owners of land within the district and assessed on the county assessment roll. If any person appointed a member of the board of elections shall fail to attend at the opening of the polls, the adult persons then present, voting individually, may appoint in his place, any land owner in the district. Each member of the election board must, before entering upon his duties, take and subscribe to an official oath to faithfully perform his duties as an officer of such election, which oath may be administered

by any officer authorized to administer oaths, or by a land owner in the district.

The election officers shall have not only the powers prescribed by the general election laws so far as consistent with the provisions of this act, but also all such other powers as are conferred hereby in respect to the passing upon the qualification of voters, and the number of votes they are entitled to cast, and such election shall be conducted as nearly as practicable in accordance with the general election laws of the state, but no particular form of ballot shall be required.

SEC. 5. Qualifications of Trustees. The board of trustees of the district shall consist of seven persons elected at large from among the owners of property within said district, and the ownership of real property within the district shall be essential to qualify any person for such office, but a majority of the trustees must be residents of the district. Qualifications of trustees.

The manner of nominating candidates for the office of trustee at all elections, and the manner of placing their names upon the ballots shall be as above prescribed with respect to the first election to be held.

SEC. 6. Qualification of Voters. Any person, firm or corporation owning any real property and/or the improvements thereon, or any interest in real property and/or the improvements thereon (but not including personal property) which interest or ownership is assessed for taxation on the last preceding equalized tax roll of the county in which the land is situated (and only the owners of property so assessed) shall be entitled to vote at such election or at any subsequent election, special or general, for the election of trustees or for any other purpose pertaining to the affairs of said district. Each property owner so qualified to vote shall be entitled to cast one vote for each one hundred dollars of assessed valuation or fraction thereof greater than fifty dollars, as the same appears to have been assessed on the equalized assessment roll last preceding the holding of the election. In determining the total number of votes any voter is entitled to cast, the total assessed value of all parcels owned by the voter shall be divided by one hundred, and the quotient shall determine the number of votes. Qualifications of voters.

SEC. 7. Conduct of Election. For the purpose of determining who is entitled to vote, and the number of votes each voter is entitled to cast, the board of supervisors of the county of Riverside shall cause to be prepared, certified and furnished to the election board at each polling place, a true and correct copy of the next preceding equalized assessment roll so far as such assessment roll applies to any lands or improvements therein, or interest therein, within such district in Riverside county, and the board of supervisors of Imperial county shall do likewise with respect to such properties which are within the district created by this act, assessed on the assessment roll of Imperial county. But the board of supervisors of Imperial county shall not be required to furnish the same for the first election until requested in writing to do so by some property Who may vote and votes entitled to.

Who may
vote and
votes
entitled to.

owner of the district, and unless such request is accompanied by a good and sufficient bond to be approved by said board, in double the amount that said board may estimate to be the cost thereof, conditioned for the reimbursement of Imperial county of the amount which may be advanced for that purpose, in the event the proposal to organize the district is defeated.

Said certified assessment rolls shall be used by the election board in determining the number of votes each voter is entitled to cast.

Executors, administrators, special administrators and guardians may cast the vote of the estate represented by them. If the property is assessed in the name of such representatives, that fact shall establish the right of such representatives to vote; if assessed in the name of the decedent, minor or incompetent person, certified copies of the letters or such other evidence as may be satisfactory to the board must be produced by the voter.

The board shall likewise be entitled to inquire and take evidence for the purpose of identifying any person claiming the right to vote as being the person shown on the assessment roll or otherwise as entitled to vote. And unless satisfactory evidence is furnished of the right to vote, the request to vote may be denied.

Where land is assessed to unknown owners, the production of a duly recorded or other transfer or conveyance, accompanied by a certificate of a searcher of title certifying that a search of the official records of the county since the date of the deed discloses no conveyance or transfer out from the grantee or transferee named in said instrument, shall entitle said grantee or transferee to vote.

Where property appears to be owned in common or jointly, or where letters of representatives of decedents, minors or guardians are joint, any one of the owners or representatives may cast all the votes that such joint owners or representatives are entitled to vote for all, provided the party claiming the right to vote for all produces the written consent of his co-owners or representatives, to do so, but if such consent is not produced, then the number of votes shall be apportioned to each owner or representative claiming the right to vote, according to the proportionate ownership or representation shown on the assessment roll, if such proportion is shown, but if not so shown, it shall be presumed that such ownership or right of representation is equal, and the voting right determined accordingly.

Where property is assessed in the name of a trustee or trustees, such trustee or trustees shall be deemed to be the person entitled to vote the same, and if assessed in the name of more than one trustee the voting right shall be determined in like manner as above provided with respect to co-owners.

The vote of any public or quasi public corporation, private corporation or unincorporated association, may be cast by any person authorized by the board of directors or trustees

or other managing body thereof, which authorization shall be in writing, and a proxy executed by an officer or officers thereof, attested by its seal and duly acknowledged, shall constitute sufficient evidence of such authority, and shall be filed with the board of election. Any member of any partnership firm may vote in behalf of such firm.

All parties entitled to vote may have their votes cast by proxy, but no person shall vote by proxy unless authority to cast such vote shall be evidenced by an instrument in writing, duly acknowledged and certified in the same manner as grants of real property, and filed with the board of election.

The owner of any real property or interest therein appearing upon the assessment roll, which has been assessed in the wrong name, or which has passed from the owner appearing as such on the last equalized assessment roll, since the same was made, shall be entitled to cast the votes represented thereby, either by the production of a proxy from such former owner or by furnishing evidence of his ownership by examination upon oath by the election board, or a conveyance duly acknowledged showing the title vested in the person claiming the right to vote, or a certificate of a competent searcher of title may be accepted by the board, as evidence of the right to vote.

Where property has been contracted to be sold, the vendee shall be entitled to cast the ballots, unless such property is assessed in the name of the vendor, in which event the vendor shall be entitled to cast the vote or votes represented thereby.

All instruments evidencing or supporting a claim of a right to vote shall likewise be filed with the election board. And if at such election the proposal to create the district is approved, all such documents shall be turned over to the board of trustees of the district; otherwise, to the board of supervisors of Riverside county for preservation.

As each voter establishes his right to vote, and the number of votes to which he is entitled is determined, there shall be delivered to him as many ballots as he is entitled to votes, or one ballot representing such votes, as next herein provided. In order to simplify the voting and avoid the necessity of a voter having a large number of votes, stamping numerous ballots, one member of the board of election, in the presence of the voter and other members, shall write upon the ballot or ballots the number of votes represented by his ballot, and after the voter has voted it shall be the duty of the election board to examine all ballots cast and see that it is the same ballot delivered to the voter, and correctly represents the number of votes he is entitled to cast before the same is passed into the ballot box.

The polls shall be kept open from eight o'clock a.m. of the day of election until six o'clock p.m. of that day.

At the close of the polls the board of election shall at once proceed to canvass the votes and declare the result, and shall forward a certificate showing such result, and the num-

Ballots
supplied
voters.

Polls open.

Canvass
of votes.

If majority
of votes
are
favorable.

ber of votes cast for and against the proposal to organize the district under this act, and the number of votes cast for all candidates for membership on the board of trustees, and which certificate together with the ballots shall be forwarded to the board of supervisors of Riverside county. If a majority of all the votes cast are in favor of the creation and organization of this district, then this district shall be deemed to be and shall be created with all the rights, powers and duties prescribed in this act, and the trustees shall proceed to organize and carry out the purposes of this act; *but provided, however,* that before the creation of the district becomes effective, the board of supervisors of Riverside county must make a certificate to the effect that the proposal to create the district was adopted, and cause the same to be filed with the secretary of state of California, from which date the district shall be deemed created, and as soon as moneys are available to the district for that purpose, and at least within one year from the date of organization, the board of trustees shall reimburse the counties of Riverside and Imperial for any moneys advanced or expense incurred in the performance of the duties imposed upon their respective boards of supervisors by this act, and recourse shall be had if necessary to the taxing power of the district for raising such funds; but if said indebtedness is not paid within one year from the date of the creation of this district, then the bondsmen shall be liable to the respective counties therefor;

Likewise, if the proposal to organize the district is defeated, the result shall be certified in the same manner as above set forth, and the respective counties reimbursed for expenses paid or incurred by the bondsmen on the bonds hereinbefore provided for.

Record of
creation
of district.

If the district is created, certified copies of the order of the board of supervisors of Riverside county, or certificate declaring that fact, shall be recorded in the office of the county recorder of Riverside county, and of the county recorder of Imperial county, and shall impart notice to all interested persons as to the result of said election, and the creation of said district.

The order of the board of supervisors of Riverside county declaring the result of said election and certifying to the fact that the proposal to create the district was duly adopted (if it shall be adopted) shall be final and conclusive evidence that all steps necessary for the creation and organization of said district have been duly performed, and that said district has been duly created as such.

Contest
of election.

Provided, however, that the election for the organization of the district, whether the result be for or against, may be contested by any person owning property within the proposed district. The trustees elected at such election shall be made parties defendant, but any property owner in the district may intervene and be heard.

Such contest shall be brought in the superior court of the county of Riverside, and must be brought within twenty days from the time the vote is canvassed, and the result is declared. If more than one contest is filed, they may be consolidated and tried together. The court shall speedily try such contest and determine upon the hearing whether the election was fairly conducted, and in substantial compliance with the requirements of this act, and enter its judgment accordingly.

The right of appeal to the supreme court is hereby given to any party to the record within thirty days from the entry of judgment. The proceedings both as to the trial and appeal must conform substantially to the rules governing civil actions, and the appeal must be determined by the supreme court within sixty days from the time the record on appeal is filed therein.

If no contest is filed, or if as a result of any such contest so filed the adoption of the proposal to create and organize the district as certified by the board of supervisors be confirmed by the judgment; then said judgment and the certificate of the board of supervisors above set forth shall have the conclusive effect hereinbefore declared.

Sec. 8. Organization of the Board of Trustees. Upon the adoption of the proposal to organize the district, the members of the board of trustees elected to that office shall qualify by taking and filing with the county clerk of Riverside county the oath of office commonly administered to public officials, and they shall without delay meet and organize by the selection of one of their number as president of the board, and likewise the selection of a secretary who may or may not be a member of the board. Organization of board of trustees.

The compensation of trustees and of all officers shall be fixed by the trustees themselves from time to time. The compensation of trustees, however, shall not exceed ten dollars per diem. All officers shall hold office respectively until their successors are elected and qualify, but the regular term of office of trustees shall be three years from the date of election (except as next herein provided with respect to the members of the first board of trustees), but elections shall be held annually on the third Tuesday of September of each year. The trustees so elected shall qualify by taking the oath as herein provided, and shall organize at their first meeting, which shall be held not later than ten days after the creation of this district becomes effective. Compensation.

At their first meeting the trustees shall so classify themselves as that three of the members shall hold office until the next general election in September, 1924, and two shall hold office until the annual election of 1925, and two until the annual election of 1926. As the successors of the retiring trustees are elected each year, such successors shall hold office for the term of three years. Terms.

The president of the trustees and the secretary or any other officers selected by the board shall hold office at the pleasure of the board. Four members shall be necessary to constitute Quorum

a quorum, and the decision of the majority present shall bind the district except as may be otherwise in this act provided.

By-laws.

The board shall have the power to adopt the proper rules or regulations to govern their procedure, and for the preservation and disbursement of its funds, time, place and manner of holding meetings, but a regular meeting day fixed by the board for a definite time and place each month must be provided to be held, and no notice of regular meetings need be given, and the president or any two members of the board shall have the right to call special meetings upon giving notice to the other trustees of the time and place thereof, not less than five days in advance of holding the meeting. Meetings may be held at any time or place when all the trustees are present and consent thereto, or at any time and place fixed by written consent or call signed by all the trustees. If vacancies occur in the office of trustee, such vacancies shall be filled by persons selected by the remaining trustees, and shall hold office until the next annual election or until a successor is elected and qualifies.

Meetings.

Vacancies.

Powers of district.

SEC. 9. Powers and Duties of the District. The district shall have power:

1. To have perpetual succession and existence.
2. To sue and be sued in the name of said district in all actions and proceedings, in all courts and tribunals of competent jurisdiction.
3. To adopt a seal and alter same at its pleasure.
4. To take by grant, purchase, gift, devise or lease, to hold, use, enjoy, and to lease or dispose of, real or personal property of every kind within or without such district necessary to the full exercise of its powers.
5. To do and perform all other things necessary, incident or proper to carry into effect the purposes for which this district is created, and as provided by this act.

Powers and duties of board of trustees.

SEC. 10. Powers and Duties of the Board of Trustees. The board of trustees of the district, in addition to all other powers and duties prescribed by this act, shall have the following powers and duties:

Records.

General management.

Acquisition of real property.

1. To keep a record of all its proceedings and minutes of its meetings, which meetings shall be public, and all records of the district shall be open to the public for inspection during reasonable business hours.

2. To manage and conduct the business and affairs of the district; make and execute all necessary contracts; employ and appoint such agents, officers and employes as may be required, and prescribe their duties, and to discharge all employees. The board and its agents and employes shall have the right to enter upon any land to make surveys, and may locate the necessary irrigation, protection, reclamation or other works or improvements, and the line of canals or conduits, and their incidental branches and laterals; also for the location of levees, dikes or other structures which may be deemed proper.

3. Said board shall also have the right to acquire, by purchase, lease or condemnation, or other lawful means, all lands

and waters or water rights and other property necessary for construction, use, supply, maintenance, repair and improvements of any and all irrigation plants or systems under its control, or to be acquired or controlled by the district, or for the construction, use, supply, maintenance, repair or improvement of any and all levees, protection works, drainage or reclamation work under the control or to be acquired and controlled by the district, whether any such properties be in this or other states, and also where necessary or convenient in carrying out the purposes of this act, to acquire and hold the stock of other corporations, domestic or foreign, owning waters, canals, water works, franchises, concessions or rights, levees or drainage works. Said board may enter into and do all acts necessary or proper for the performance of any agreements with the United States or any state, county or district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any levees, works or other property of any kind which might lawfully be acquired or owned by the district, and may acquire the right to store water in any reservoir or to carry water through any canal, ditch or conduit not owned or controlled by the district, and may grant to any owner or lessee, the right to the use of any water, the right to store such water in any reservoir of the district, or to carry such water through any canal, ditch or conduit of the district. And may likewise enter upon any acts necessary or proper for the performance of any agreements with the United States or any state, county, or district, corporation, firm or individual or any number of them, for the joint acquisition, construction, maintenance or repair of any levees or other protection works or drainage or other reclamation works.

Agree-
ments with
U. S.

4. To construct dams, reservoirs and works for the collection of water for the district, and to do any and every lawful act necessary to be done that sufficient water may be furnished to each land owner or inhabitant in the district for irrigation and domestic purposes, and may contract to supply water to any mutual water company within the district which is or may be organized to furnish water to certain specified lands within the district, provided the lands so supplied by any such mutual water company are within this district, and may contract for supplying such lands with water through such mutual water companies.

Construction
of works
and distribu-
tion
of water.

The board is authorized and empowered to take conveyances, leases, contracts or other assurances for all property acquired by it under the provisions of this act, in the name of this district, to and for the uses and purposes herein expressed, and to institute and maintain any and all actions and proceedings, suits at law or in equity, necessary or proper in order to fully carry out the provisions of this act, and to enforce, maintain, protect or preserve any and all rights, privileges and immunities created by this act or acquired in

Convey-
ances and
actions.

pursuance thereof, and may appear and defend in person or by attorneys in the name of such irrigation district.

Title, use
and dis-
position
of
property.

5. The legal title to all property acquired under the provisions of this act shall immediately, by operation of law, vest in the district, and shall be held by the district in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act. And said board is hereby authorized and directed to hold, use, manage, keep and possess, said property as herein provided. The board may determine by resolution duly entered upon its minutes, that any property, real or personal, held by such irrigation district, is no longer necessary to be held for the uses and purposes thereof, and may thereafter sell such property, and a conveyance of any property held by this district, executed by the president and secretary thereof, in accordance with the resolution of the board of trustees of such district, when sold for a valuable consideration, shall convey a good title to the property so conveyed.

Rules for
distribution
of water.

6. It shall be the duty of the board of trustees to establish suitable by-laws, rules and regulations for the distribution and use of water among the owners of lands, which must be printed in convenient form for the use of the district.

Election
precincts.

7. When the board of trustees deems it advisable for the best interests of the district and the convenience of the electors thereof, it may at any time, but not less than sixty days before an election to be held in the district, divide the district into divisions or precincts for election purposes, but such divisions shall be made as nearly equal in area or population as may be practicable. The boundaries of the divisions and precincts or any subsequent changes therein must be shown on the minutes of the board. Should the district be divided into divisions or precincts by the board of trustees for the purpose of holding elections thereafter, any property owner owning property in one or more precincts or divisions, must cast the ballots represented by his respective parcels in each precinct where such parcels are situate respectively, and if any such parcel lies partly in one precinct and partly in another, he may cast the ballots represented thereby in either, but before doing so he must notify the election board in the other precinct of his intention to do so, in order that the election board may note the ballots represented by said land as having been voted.

Regular
annual
elections.

8. After the first election of trustees held in pursuance of the provisions of this act, all subsequent regular elections shall be called annually at the times fixed for the holding of the annual election, and the trustees shall cause notice of such elections to be given for the period and in the manner hereinbefore prescribed in reference to the first election, and the trustees shall perform all the duties in respect to giving notice of the election, establishing election boards, providing the ballots and assessment roll records necessary for conducting the election, designating voting places, causing the returns to be canvassed, and the results declared, which have been imposed upon the supervisors in respect to the first election.

Likewise, the board of trustees shall perform all the acts necessary for calling and conducting special elections provided for in this act. Special elections

In all elections for trustees the persons receiving the highest number of votes shall be deemed elected for the office to be filled. If an election is not held as herein provided, then upon the filing of a petition with the secretary of the board of trustees, signed by property owners owning real property assessed upon the last preceding equalized assessment roll at not less than the aggregate of five thousand dollars, requesting that a special election be called for the election of officers, the trustees of such district shall thereupon call a special election for the election of such officers, such election to be held within not less than forty days after the filing of such petition.

Each member of the board of trustees shall qualify on or before noon of the tenth day following his election, by executing an official bond in the sum of five thousand dollars, which bond shall be approved by a judge of the superior court of Riverside county, and shall be recorded in the office of the county recorder thereof, and filed with the secretary of the board. All official bonds herein provided for shall be in the form prescribed by law for the official bonds of the county officers, and premiums thereof may be paid by the district. Official bonds

9. The board of trustees shall also have power generally to perform all other such acts as shall be necessary to fully carry out the purpose of this act. General powers.

Sec. 11. Acquiring or Controlling the Water System of the Palo Verde Mutual Water Company. As soon as may be practicable after the organization of the district, the board of trustees is empowered and it shall be its duty to take steps for the acquisition of the water rights and water system of the Palo Verde Mutual Water Company and its stockholders, in the manner authorized and provided by this section, as follows: Acquisition of water system of Palo Verde Mutual Water Company.

Subdivision 1. If after investigation and negotiations with the representatives of the Palo Verde Mutual Water Company, it is found practicable to contract for the purchase of the water rights and system of the Palo Verde Mutual Water Company, either by payment therefor in money or in bonds to be issued by this district as hereinafter provided, then a complete inventory and appraisal of all water rights and properties or property rights owned by said mutual water company shall be made up and appraised by competent engineers and appraisers selected by the parties for that purpose. But such inventory and appraisal shall comprise only the water rights and operating properties forming a part of the system or pertaining thereto. If, as a result of such negotiations, investigation and appraisal the board of trustees is able to agree with said water company upon what they deem to be a fair valuation of said properties to be fixed as the purchase price thereof, then the proposed plan of purchase and the price agreed to be paid therefor, with the terms and manner of payment, shall be reduced to writing, duly executed by both Mutual agreement.

parties, and shall constitute the basis of acquisition, and shall be carried out as agreed upon.

Submission
to state
water
commission.

If, however, the trustees and said water company are unable to agree upon the price, terms or manner of purchase, the proposal to purchase may, at the option of the board of trustees, be submitted to the water commission of the State of California, for determination of the value of the property and property rights to be acquired, and the terms and manner of carrying the purchase into effect, provided the water company shall agree to such submission and to be bound thereby. If the submission is agreed upon, it shall be the duty of the water commission to cause an investigation to be made in such manner and to such extent as it may deem necessary or proper (but at the expense of the district) and may, if it deems proper to do so, have a public hearing thereon conducted at such time and place and in such manner and after such notice as may be prescribed by the commission. But the commission shall, within ninety days after notice of the agreement of submission, make findings of the reasonable and fair valuation of the properties and property rights involved, and the reasonable and proper terms upon which the purchase price shall be made, and such findings shall be binding upon the parties, and the trustees are authorized and empowered to proceed with the necessary steps to carry into effect the purchase on those terms. But if the board of trustees and the representatives of the water company can not agree upon a submission of the same to the water commission, then the board of trustees is hereby authorized and empowered and the district is hereby granted the power to institute and maintain condemnation proceedings for the acquisition of said water rights and water system, and the acquisition of the same is hereby declared to be a beneficial public use and said district is empowered to acquire the same by proceedings in eminent domain conducted substantially in the manner provided by the general laws for the acquisition of private property for a public use by such procedure.

Condemna-
tion
proceedings.

Rights of
stockholders
and users.

In the acquisition of the water rights and water system of said Palo Verde Mutual Water Company by the district, the board of trustees, in its discretion, may acquire the water rights and system, subject to whatever existing rights the stockholders or users of said water may have to have water supplied to their lands to the extent that the same is appurtenant thereto, in which event the title conveyed to the district shall be subject to such rights and the district shall assume the obligation of supplying water to such land owners to the extent of their rights and in the manner and upon the terms which such users are entitled to receive the same; but in the acquisition of the water rights and system of the Palo Verde Mutual Water Company and its stockholders, the board of trustees is, in its discretion, authorized and empowered to take over and acquire the water rights of the stockholders as well as the property rights of the corporation, either by pur-

chase or condemnation to the end that ultimately all waters available for supply or which may be made available for supply to the lands and inhabitants of the district, may be distributed in accordance with uniform rules and regulations throughout the entire district, and all priorities or discrimination eliminated.

Subdivision 2. If after investigation and negotiation it is found feasible and practicable to acquire the ultimate ownership and control of the water rights and system of the Palo Verde Mutual Water Company and its stockholders, by taking over by purchase or otherwise, all of the outstanding stock of said corporation and through that means ultimately cause all of the water rights and system of said mutual water company to be conveyed to the district, and thereby eliminate vested rights or priorities so that the entire body of water available may be distributed under uniform regulations throughout the district, the board of trustees is hereby authorized and empowered to do and perform all things necessary for the purpose of acquiring all the stock of the stockholders of said water company, either through the purchase, exchange of bonds therefor, or condemnation proceedings, and it may, with that ultimate object in view or by way of expediting or assisting in bringing about the acquisition of the water rights and plant from the corporation itself, or from the corporation and the stockholders as provided in the previous subdivision, purchase or contract to purchase, or procure options, for the whole or any part of the stock of said mutual water company from time to time, or may institute and prosecute condemnation proceedings for that purpose until all of the stock is acquired or all of the properties of said mutual water company are acquired as herein before provided; but before any stock of said company is purchased or contracted to be purchased, the question of the value thereof must be carefully investigated by the board of trustees, with the assistance of competent appraisers, and no stock shall be purchased at a price in excess of the maximum amount found by the trustees to be the reasonable and fair value thereof. But, within the price so fixed, the district through its board of trustees, may purchase or contract to purchase any part of the stock, but nothing herein contained shall in any manner impair the right of the district to maintain condemnation proceedings for the acquisition of the stock or water rights of the stockholders of said water company, at any time, and such acquisition is likewise hereby declared to be a beneficial public use.

Subdivision 3. If after negotiation and investigation or at any time it is found impracticable or inadvisable to acquire the whole or any part of the water rights and water system of the Palo Verde Mutual Water Company and its stockholders by purchase, exchange or condemnation, or pending the ultimate acquisition of the whole of the system and the water rights mentioned, then the district, through its board of trustees, is hereby authorized and empowered to take over the management, control and operation of such system and water

Acquirement
of outstanding
stock.

Lease of
system
and water
rights.

rights by lease or contract, upon such terms and conditions and for such period as may be agreed upon by the trustees, and said water company.

Operation
under lease.

If the control and management of the system and water rights is thus taken over by the district, the same shall be operated in such manner as to conform to and respect vested rights and priorities of the stockholders or users of said water to the extent that they may be entitled to have any lands to which said waters are appurtenant, supplied with water from said system; but in so far as may be lawfully possible, all water shall be made available for distribution and shall be distributed to all lands within the district, under uniform rules and regulations and without discrimination, and the district shall be authorized and empowered to carry on all work necessary to safeguard and expand the distribution of water supply, and to protect the system against floods from the Colorado river, and to conserve and extend the beneficial use of the water to the utmost throughout the district, by reclamation, protection, or otherwise.

Use of
water a
public use.

Subdivision 4. The use of all water required for the irrigation of lands within this district, and for domestic and other incidental and beneficial uses within the district, together with the rights of way for canals and ditches, the headworks, conduits, reservoirs and sites for reservoirs, and all other property required in fully carrying out the provisions of this act, is hereby declared to be a public use, subject to the regulations and control of the state in the manner prescribed by law.

Taking over
properties
and
functions of
Palo Verde
joint levee
district.

SEC. 12. Taking Over the Properties and Functions of the Palo Verde Joint Levee District. The district is authorized and empowered, through its board of trustees, to take over the properties, property rights and functions of the Palo Verde joint levee district of Riverside and Imperial counties, California, and it shall be the duty of the board of trustees to take the necessary steps for acquiring the same in the following manner:

Upon approval of the property owners, of the creation and organization of this district by a majority vote, at an election to be held for that purpose as hereinbefore provided, and as soon as the organization of the district is complete by the election and qualification of its officers, all of the levees, properties, property rights and functions of the Palo Verde joint levee district above mentioned, shall revert to and become vested in this district, but, subject, however, to the rights of the holders of any and all of the bonds or other outstanding claims or evidence of indebtedness of said Palo Verde joint levee district, and the lien of all such bonds and all rights of the bondholders and creditors of said levee district shall be unimpaired and enforceable against the lands and property owners within the boundaries of said joint levee district to the same extent and in like manner as if this act had not been passed, and said district continued to exist; *but provided, however,* that all of such outstanding bonded or other indebtedness shall be assumed by this district, and the collection of

Assumption
of debts and
obligations.

principal and interest may be enforced through this district in like manner as it might have been enforced through the joint levee district, and the board of trustees of this district is hereby authorized and empowered, and it shall be its duty to carry into effect and perform, all of the obligations undertaken by said levee district through this district, and the trustees thereof, for the assessment and collection of taxes for the payment of the principal and interest of said bonds and other indebtedness, and all other obligations and duties in every other respect provided for the protection, payment and liquidation of the principal and interest of the bonded and other indebtedness of said joint levee district.

All bondholders and creditors or other persons having rights or relations with said joint levee district or the trustees or officers thereof are hereby authorized and empowered to deal with the trustees of this district, and to enforce their rights as against this district in like manner as might be done against the joint levee district above mentioned and the trustees and officers thereof, and all notices, demands, tenders or other dealings that might have been had with said joint levee district or the trustees or officers thereof may be made to or had with the trustees of this district with the same force and effect. Likewise, all obligations or duties or indebtedness undertaken or contracted to be paid or performed by any persons, firms or corporations, to or with said joint levee district, may be enforced for or paid to this district with the same force and effect, and in like manner as undertaken to be performed for or paid to said joint levee district. And this district shall have the right to enforce all rights or obligations which have accrued or may accrue to said joint levee district.

Rights of bondholders, etc.

Obligations of contractors, etc.

The trustees of this district, as soon as they qualify and are organized as hereinbefore provided, shall take over and become vested with the management of all levees, properties, records, moneys on hand or other assets of said joint levee district, and the trustees of said joint levee district shall deliver all of such property, records or other assets to the trustees of this district, and thereupon said district shall be deemed to be merged in and superseded by this district, and cease to exist except in so far as may be necessary to preserve the rights of bondholders and other creditors: *provided, however*, that all funds or properties which come into the possession or under the control of this district from said levee district shall be expended and used only in connection with the joint levee district work, and for the purposes authorized by the act under which it was created.

Succession to property and management.

The title to all properties of the joint levee district and all property and other rights belonging to or existing in favor of said district are hereby vested in this district, and this district shall have the right to maintain suits or other proceedings necessary for the protection and enforcement of any of the rights of said levee district, and may be sued and shall have the right to defend in like manner as suits might have been

Title to property, rights, etc.

maintained or defended if said levee district had continued to exist.

Protection
against
Colorado
river.

Upon the taking over of the property and affairs of said levee district, the board of trustees of this district is authorized and empowered, and it shall be its duty, to proceed as rapidly as may be practicable with the necessary construction work for the improvement, extension and better protection and preservation of the water system, the lands and inhabitants within the district, against overflow of flood waters from the Colorado river, and to maintain and operate the same to the end of preventing if possible a repetition of the devastating floods of previous years. In that behalf and for that purpose the board is authorized to cooperate with the United States government, the government of the state of Arizona or of the State of California, or any other public agencies, departments, districts or private concerns, or individuals, in any joint project that may be undertaken for straightening or changing the course of the channel of the Colorado river or keeping the same within its levees and banks, provided the board of trustees deem it advisable to do so.

Taking over
properties
and
functions of
Palo Verde
drainage
district.

SEC. 13. Taking Over the Properties and Functions of the Palo Verde Drainage District. The district is authorized and empowered, through its board of trustees, to take over the properties, property rights and functions of the Palo Verde drainage district, and it shall be the duty of the board of trustees to take the necessary steps for acquiring the same in the following manner:

Assumption
of debts, and
obligations.

Upon approval of the property owners of the creation and organization of this district by a majority vote, at an election to be held for that purpose as herein provided, and as soon as the organization of the district is complete by the election and qualification of its officers, all of the canals, properties, property rights and functions of the Palo Verde drainage district above mentioned, shall revert to and become vested in this district, but subject, however, to the rights of the holders of any and all of the bonds or other outstanding claims or evidence of indebtedness of said Palo Verde drainage district, and the lien of all such bonds and all rights of the bondholders and creditors of said drainage district shall be unimpaired and enforceable against the lands and property owners within the boundaries of said drainage district to the same extent and in like manner as if this act had not passed, and said district continued to exist; *but provided, however,* that all of such outstanding bonded or other indebtedness shall be assumed by this district, and the collection of principal and interest may be enforced through this district in like manner as it might have been enforced through the drainage district, and the board of trustees of this district is hereby authorized and empowered, and it shall be its duty to carry into effect and perform all of the obligations undertaken by said drainage district, and the trustees thereof for the assessment and collection of taxes for the payment of the principal and interest of said bonds and other indebtedness, and all other obligations

and duties in every other respect provided for the protection, payment and liquidation of the principal and interest of the bonded and other indebtedness of said drainage district.

All bondholders and creditors or other persons having rights or relations with said drainage district or the trustees or officers thereof are hereby authorized and empowered to deal with the trustees of this district, and to enforce their rights as against this district, in like manner as might be done against the drainage district above mentioned, and the trustees and officers thereof, and all notices, demands, tenders or other dealings that might have been made to, or had with the said drainage district or the trustees or officers thereof may be made to or had with the trustees of this district with the same force and effect. Likewise, all obligations or duties or indebtedness undertaken or contracted to be paid or performed by any persons, firms or corporations, to or with said drainage district, may be performed for or paid to this district with the same force and effect, and in like manner as undertaken to be performed for or paid to said drainage district. And this district shall have the right to enforce all rights or obligations which have accrued or may accrue to said drainage district.

Rights of bondholders, etc.

Obligations of contractors, etc.

The trustees of this district, as soon as they qualify and are organized as hereinbefore provided, shall take over and become vested with the management of all canals, reclamation work, properties, records, moneys on hand or other assets of said drainage district, and the trustees of said drainage district shall deliver all of such property, records or other assets to the trustees of this district, and thereupon said district shall be deemed to be merged in and superseded by this district, and cease to exist except in so far as may be necessary to preserve the rights of bondholders and other creditors; *provided, however*, that all funds or properties which come into the possession or under the control of this district from said drainage district shall be expended and used only in connection with the drainage district work, and for the purposes authorized by the law in pursuance of which it was organized.

Succession to property and management.

Upon the taking over of the property and affairs of said drainage district, the board of trustees of this district is authorized and empowered, and it shall be its duty to proceed as rapidly as may be practicable, with the necessary construction work for the improvement and better drainage and reclamation of the lands and improvements within the district, and to maintain and operate the same to the end that the greatest area within this district may be rendered cultivable. In that behalf and for that purpose the board is authorized to cooperate with the United States government, the government of the state of Arizona or of the State of California or any other public agencies, departments, districts or private concerns, or individuals, in any joint project that may be undertaken for the drainage or other reclamation

Continuance of work, etc.

work for the protection or improvement of the district in so far as the board of trustees deem it advisable to do so.

Extension
and
improvement
of existing
works.

SEC. 14. Extension and Improvement of Existing Levees, Drainage Canals and Water System. The district, through its board of trustees, is further authorized and empowered, and it shall be the duty of the trustees, as soon as may be practicable and as rapidly as funds may be available for that purpose, to proceed with the strengthening and extension of existing levees or other works for the protection of the valley against overflow and inundation from the Colorado river; and likewise, the further extension and development of the water system to be taken over by the district, and the strengthening and improvement of its canals, laterals, head-works and distribution system generally; and also for the further construction of drainage canals and ditches and other works necessary for the drainage of the swamp and overflowed lands; also for the further protection of the inhabitants of the district and the improvement of health or other conditions in the valley to take such steps as may be necessary or proper for the elimination of mosquitos or other insect pests; *provided, however*, that no new construction work shall be contracted, nor shall any replacement or repair work be contracted, where the cost thereof will exceed three thousand dollars without first causing a description of the work to be performed, with specifications and plans to be prepared and at least ten days' notice given of an intention to contract for the work, and inviting sealed bids. Such notice must be given by publishing notice at least once during the week preceding the time for submitting bids, in a newspaper published within the district, or if none is published therein, then within the county of Riverside, State of California, as the board of trustees may direct. The work must be let to the lowest and best responsible bidder, but the trustees shall have the right to reject any and all bids; *provided, however*, that in the event the properties or inhabitants within the district, or the levees, water system or reclamation works, or any part thereof, shall be threatened with destruction or serious damage by reason of rapid or unusual rise of water in the Colorado river, or from any other cause, and in the judgment of the board of trustees, necessity exists for immediate and prompt action, all materials may be purchased, all labor contracted or otherwise procured, and all other indebtedness may be incurred which, in the judgment of the board of trustees, may be necessary to meet the emergency, without the necessity of competitive bidding or notice, and all indebtedness thus contracted shall be a legal obligation against the district; *but provided, however*, that the determination of the board of trustees that an emergency does exist must be entered in the minutes of the board; *provided, further*, that nothing herein contained shall be construed as requiring the board of trustees to carry on any of its construction, maintenance, repair or other work through contracting or letting the same, but it

Notice
inviting bids.

Letting of
contract.

District may
carry on
work.

shall be optional with the district, through its board of trustees, to contract all or any part of such work through competitive bidding as above provided, or the district may, through its board of trustees, employ the necessary labor and furnish the necessary materials to carry on any and all work authorized by this act, under the supervision of the board of trustees, and full power is vested in the board of trustees for that purpose; *but provided, however,* that if the trustees undertake to carry on such construction, replacement, repair or other work through its own supervision, and it becomes necessary to purchase materials or supplies in lots of a greater value than two thousand dollars, competitive bidding must be invited by like notice as hereinbefore provided with respect to the letting of contracts, and the property must be purchased from the lowest responsible bidder, but the board, however, shall have the right to reject any and all bids.

SEC. 15. Issuance of Bonds. For the purpose of acquiring the water rights and irrigation system of the Palo Verde Mutual Water Company or any other water rights or system which it may, by the trustees, be deemed advisable to acquire; for the purpose also, of strengthening, and extending the present levees, adding to and providing other levees, and for other protection work; for the purpose of maintaining, repairing and improving and extending the water system and the acquisition of further water rights, and the further development of water and improving and maintaining the system; for the purposes of maintaining, repairing, extending the drainage canals and of carrying on other reclamation work, including the destruction of pests or other nuisances incident to swamp conditions, and for the purpose of maintaining and operating the whole system of protection, irrigation and reclamation works, and for the purpose of making the necessary surveys, examinations, drawings and plans for all such work; also for the purpose of payment of principal and interest upon outstanding bonds or other obligations of the Palo Verde joint levee district of Riverside and Imperial counties, California, the Palo Verde drainage district, and the Palo Verde Mutual Water Company (if the system of said company is taken over by this district as hereinbefore authorized), or for the purpose of redeeming any or all of such bonds, or for the purpose of providing for the refunding of the same, or any part thereof; and generally, for defraying the expense of carrying all the purposes of this act into effect, the district is authorized to issue and dispose of its bonds as herein provided.

Purposes
for which
bonds may
be issued.

SEC. 16. Determining Amount of Bonds to be Issued. For the purpose of ascertaining the amount of money necessary to be raised for such purposes, or any of them, the board of trustees shall cause such inventories, appraisals, surveys, examinations, drawings and plans to be made as shall furnish the proper basis for such estimates. Such appraisals, surveys, examinations, drawings and plans, and the estimates based

Determining
amount of
bonds to
be issued.

thereon, may provide that the works necessary for a completed project shall be acquired and constructed progressively during a period of years. In the estimate of the amount of money to be raised by the first issue of bonds for any project or purpose, the board of trustees may include a sum sufficient to pay the interest on all such bonds as may be issued by this district, and also all such bonds or other obligations of the Palo Verde joint levee district of Riverside and Imperial counties, California, or the Palo Verde drainage district, or the Palo Verde Mutual Water Company as may be assumed by this district, for a period of three years, or less, in advance of the time such interest obligations shall accrue. All such surveys, appraisals, examinations, drawings and plans shall be made under the direction of a competent engineer, and shall be certified by him. The board of trustees may divide the plans for the completed project of acquisition and construction of a unified protection, irrigation and reclamation system into various items, recommending those that are most urgent for first acquisition or construction, and the estimated amount thereof, and those that might be deferred for carrying out at subsequent times, so that the bonded indebtedness necessary for the entire plan may be imposed upon the district in such installments over a period of years as the district is built up and improved and as a favorable market exists for the bonds. But the board of trustees may, in its discretion, provide for the issuance of the amount of bonds necessary to carry out the completed enterprise contemplated by this act, and arrange for the disposition of the bonds in installments at different times so as to accomplish the same purpose; or, if it is deemed practicable and expedient to do so, the board may provide for the issuance of all the bonds estimated to be necessary to carry out the completed project.

Investigation
and report
of bond
certification
commission.

When a determination has been made by the board of the properties to be acquired and the construction work to be performed, and the estimated amount thereof for which the board proposes to issue bonds, the board shall thereupon submit a copy of said estimate and report to the commission authorized by law to approve bonds of irrigation districts, for certification as legal investments for savings banks, and for other purposes specified in the act creating said commission. Said commission shall forthwith examine said report and any data in its possession or in the possession of the district, and shall make such additional surveys and examinations at the expense of the district as it may deem proper or practicable, and as soon as practicable thereafter shall make to the board of trustees of said district a report which shall contain such matters as in the judgment of said commission may be desirable; *provided*, that it may state generally the conclusions of said commission regarding the general characteristics of the property and the project, the cost of the proposed work, water rights and other property necessary for a complete and satisfactory project, the proper dates of maturity for the bonds proposed to be issued, and whether in its opinion it is advisable to proceed

with the proposed bond issue. If the estimate of the amount of said bond issue shall have included any amount for the payment of interest on said bonds for such issue, as provided in section fifteen of this act, and such estimate for the payment of interest or any part thereof is approved by the commission in said report, it shall be lawful for the board of trustees, to use for the payment of interest on any bonds of such issue, so much of the proceeds of the sale of said bonds as may have been approved for that purpose in said report of the commission.

And likewise, whatever amount may be included in the estimate for upkeep and maintenance expense, if approved by the commission, may be lawfully used by the trustees and applied in the upkeep and maintenance of its levees, water system and reclamation works.

SEC. 16a. If after such examination and investigation the said commission shall deem it advisable that the said plans be modified, or that the amount of the bonds proposed to be issued be changed, or that certain conditions should be prescribed to insure the success of the project, or that in its opinion it is not advisable to proceed with the proposed bond issue, it shall so state in its report to the board of trustees. After receiving said report, or if no report is received within thirty days after the submission of said estimate and engineer's report to said commission, said board of trustees, if it shall determine and shall declare by resolution that the proposed plan of works or some modified plan recommended by said commission is satisfactory and that the said project or said modified plan is feasible, shall make an order determining the amount of bonds that should be issued in order to raise the money necessary therefor; *and provided, further*, that if this district shall issue bonds to carry out any plans approved by said commission as herein provided it shall be unlawful for said district to make any material change in said plans thereafter without the consent of said commission.

SEC. 17. Provisions for Making Bonds Legal Investments for Trust Funds, etc. Whenever the board of trustees shall by resolution declare that it deems it desirable that any contemplated or outstanding bonds of said district, including any bonds authorized but not sold, shall be made available for the purposes provided for in section seven of an act of the legislature of the State of California entitled, "An act relating to bonds of irrigation districts, providing under what circumstances such bonds shall be legal investments for funds of banks, insurance companies, and trust companies, trust funds, state school funds and any money or funds which may now or hereafter be invested in bonds of cities, cities and counties, counties, school districts or municipalities, and providing under what circumstances the use of bonds of irrigation districts as security for the performance of any act may be authorized," approved June 13, 1913, as amended, the said board of trustees shall thereupon file a certified copy of such resolution with the

Modification
of plans,
etc

Provisions
for making
bonds legal
investments
for trust
funds, etc.

commission created by, and provided for in, said act, which commission, and the state controller in connection therewith, are hereby given the same power and authority in respect of the investigation and certification of bonds issued under this act as is given to them in respect of the investigation and certification of irrigation district bonds by said act, as amended, except as the same may be limited by, or inconsistent with, any provision of this act, and bonds of said district which have been so investigated and certified and declared to be legal investments for the purposes stated in said act approved June 13, 1913, as amended, may be lawfully purchased or received in pledge for loans by savings banks, trust companies, insurance companies, guardians, executors, administrators, and special administrators, or by any public officer or officers of this state or of any county, city, or city and county, or other municipal or corporate body within this state having or holding funds which they are allowed by law to invest or loan; *provided, however,* that where said commission has passed upon one issue of bonds of said district, all subsequent issues of said district shall be submitted to said commission as in the said act provided.

Special
election for
bond issue.

SEC. 18. Special Election for Bond Issue. After the amount of the proposed bond issue is determined by the board of trustees, said board may call a special election, at which shall be submitted to the owners of property within the district qualified to vote, as hereinbefore provided, the question whether or not the bonds of said district in the amount determined by said board shall be issued, and said board must call such an election and submit said question upon receipt of a petition signed by at least one hundred owners of real property within the district assessed for taxation on the last preceding equalized assessment roll, provided that such petition shall include the holders of title or evidence of title to not less than twenty per cent in value of the real property within the district. In determining the value of any lands within the district for the purpose of determining the sufficiency of such petition the last equalized assessment roll of the county within which the lands within the district is situated, shall be conclusive evidence of such facts for such purpose. But the board of trustees by an affirmative vote of three of its members may call such election without the necessity of receipt of any petition.

Notice of
special
election and
manner of
conducting
same.

SEC. 19. Notice of Special Election and Manner of Conducting Same. Notice of such election must be given by posting notices in three public places in each election division in said district for at least twenty days, and also by publication of such notices in some newspaper published within the district, or if none is published therein, then within the county of Riverside, State of California, as the board of trustees may direct, by at least three weekly publications prior to the election. Such notice must specify the time of the holding of the election, the amount of bonds proposed to be issued,

and in a general way, the purpose thereof; and said election must be held and the result thereof determined and declared in all respects as nearly as practicable in conformity with the provisions of this act, governing the election for the determination of whether this district shall be organized and the election of the first trustees.

The qualification of voters, their right to vote, and the number of votes which each is entitled to cast, shall be determined by reference to the appraised value of their real estate holdings on the assessment roll as in this act heretofore provided, and in all other respects the provisions of this act in reference to conducting elections shall conform to the provisions heretofore made with respect to the elections and the general election laws of the state so far as may be applicable, as well also as the further provisions of this act with respect to the ballot; but no informalities in conducting such an election shall invalidate the same if the election shall have been otherwise fairly conducted.

SEC. 20. Ballots. At such election questions as to the ^{Ballots.} issuance of bonds may be submitted separately on the same ballot if estimates of the cost of the respective projects have been made, and the respective propositions have been stated in the notices of the election. At such election the ballots shall contain a general statement of the proposition or propositions to be voted on, including the amount of bonds proposed to be issued for each purpose, but no informality in such statement shall vitiate the election. Each proposition shall be followed by the words "Yes" and "No", on separate lines, with a small inclosed space after each of said words. The electors shall vote for or against any proposition by stamping a cross (X) in the voting space after the word "Yes" or "No" respectively. On the ballot shall be printed substantially the following under the heading "Instructions to voters": "To vote for a proposition, stamp a cross (X) in the voting space after the word 'Yes' following the proposition. To vote against a proposition, stamp a cross (X) in the voting space after the word 'No' following the proposition." If a majority or more of the votes cast for and against any proposition are for "Yes", the board of trustees shall cause bonds in the amount specified in such proposition to be issued. If the number of votes for any proposition is less ^{When vote} than the number required herein to authorize the issuance ^{insufficient.} of the bonds provided for therein, the result of the vote on said proposition shall be entered of record, but said proposition may be again submitted to the qualified voters of the district at a special election upon the presentation to the board of trustees of a petition therefor, signed as provided in section eighteen of this act.

SEC. 21. Form of Bonds, Interest, Life of Bonds. Subject ^{Issuance of} to the provisions of this act the trustees of the district shall ^{bonds.} prescribe the form of bonds issued by the district, and of the interest coupons to be attached thereto. An issue of bonds is

hereby defined to be all the bonds issued in accordance with a proposal approved by the electors of the district qualified to vote as provided in this act. Each issue of bonds of the district shall be numbered consecutively as authorized, and the bonds of each issue shall be numbered consecutively. The board of trustees shall fix the date of said bonds and may divide said issue into two or more divisions, and shall fix the dates of the bonds for each respective division. The date of any bond shall be subsequent to the election at which its issuance was authorized, and prior to its delivery to a purchaser from the district. The date of any issue of any bond authorized under this act or hereafter issued in pursuance of this act shall be deemed to be the apparent date of the said bond appearing on the face thereof. Each bond shall be signed by the president and secretary of the board of trustees of the district who may be in office at the date of said bond, or at any time thereafter prior to the delivery of said bond to the purchaser thereof from the district, and the seal of the district shall be impressed on each bond. The interest coupons shall also bear the signature of the secretary of the board of trustees or a fac simile of such signature. The board of trustees shall fix the denomination of said bonds, which shall not be less than one hundred dollars nor more than one thousand dollars. Said bonds shall bear interest at a rate to be fixed by the board of trustees, but the rate shall not exceed six per cent per annum. The interest shall be payable on the first day of January and the first day of July of each year. The board of trustees shall also designate the place or places at which bonds or any of them and the interest thereon shall be payable. Each issue or each designation of each issue of said bonds shall be payable in gold coin of the United States in twenty series as follows, to wit: At the expiration of twenty-one years from the date of any issue or any division of any issue of said bonds, two per centum of the whole amount of such issue or division; at the expiration of twenty-two years from said date, two per centum of the whole amount of such issue or division; at the expiration of twenty-three years from said date three per centum of the whole amount of such issue or division; at the expiration of twenty-four years from said date, three per centum of the whole amount of such issue or division; at the expiration of twenty-five years from said date, four per centum of the whole amount of such issue or division; at the expiration of twenty-six years from said date, four per centum of the whole amount of such issue or division; at the expiration of twenty-seven years from said date, four per centum of the whole amount of such issue or division; at the expiration of twenty-eight years from said date, four per centum of the whole amount of such issue or division; at the expiration of twenty-nine years from said date, five per centum of the whole amount of such issue or division; at the expiration of thirty years from said date, five per centum of the whole amount of such issue or division; at the expiration of thirty-one years from said date, five per centum of the whole amount of such

Interest.

Life
of bonds.When
payable.

issue or division; at the expiration of thirty-two years from said date, five per centum of the whole amount of such issue or division; at the expiration of thirty-three years from said date, six per centum of the whole amount of such issue or division; at the expiration of thirty-four years from said date, six per centum of the whole amount of such issue or division; at the expiration of thirty-five years from said date, six per centum of the whole amount of such issue or division; at the expiration of thirty-six years from said date, six per centum of the whole amount of such issue or division; at the expiration of thirty-seven years from said date, seven per centum of the whole amount of such issue or division; at the expiration of thirty-eight years from said date, seven per centum of the whole amount of such issue or division; at the expiration of thirty-nine years from said date, eight per centum of the whole amount of such issue or division; at the expiration of forty years from said date, eight per centum of the whole amount of such issue or division; *provided*, that if any bonds are not dated on the first day of January or the first day of July, they shall nevertheless be made payable on the first day of January or the first day of July, next preceding the date on which they would become payable according to the foregoing schedule; bonds of any issue may be made payable at the ends of other periods than are specified herein and the number of series may be more or less than twenty, if the number of series and the length of the respective periods at the ends of which the respective amounts of bonds shall be made payable, have been specified in the notice of election at which the issuance of such bonds was authorized or on the recommendation of the bond certification commission, but in any event the bonds shall all be made payable on the first day of January or the first day of July next preceding the ends of the respective periods specified, unless said bonds are dated on the first day of January and the first day of July, and in no case shall maturity of any bonds be more than forty years from the date thereof, nor shall more than eight per centum of the total amount of any issue or division be made payable in any one year if the number of series is made more than twenty. Each bond shall be made payable at a given time for its full face value and not for a percentage thereof.

SEC. 22. Sale of Bonds, Notice by Publication. The board of trustees may sell any bonds created in pursuance of the provisions of this act, and also may sell any bonds of the Palo Verde joint levee district of Riverside and Imperial counties, California, or the Palo Verde drainage district which are not sold at the time this district is organized and the property and the affairs of said levee and drainage district are taken over by this district; and all of such bonds may be sold in such quantities as may be necessary and most advantageous to raise money for the construction, maintenance or repairs of any of the works provided for in this act; the acquisition of the water rights and the water system provided to be acquired by this act, or any other property or property rights authorized to be

Sale
of bonds.

acquired under this act, or for any other purpose fully to carry out the objects and purposes of this act, but provided however, that the proceeds of any bonds of the joint levee district or drainage district taken over by this district must be used only for the purposes for which such bonds were issued, and may only be sold and disposed of in the manner and in accordance with the terms and provisions of said bonds, and of the act under which the same were created. Before making any sale, the board shall, at a meeting, by resolution declare its intention to sell a specified amount of the bonds and the date and hour of the place of such sale and shall cause said resolution to be entered in the minutes and notice of sale to be given by publication thereof by at least three weekly publications in a newspaper published in Riverside county, California, and in any other publication at the discretion of the board. The notice shall state that sealed proposals will be received by the board at its office for the purchase of bonds, till the day and hour named in the resolution. At the time appointed the board shall open the proposals and award the purchaser of the bonds or any portion thereof to the highest responsible bidder or bidders; *provided, however*, that the board may reject any or all bids.

Declaration
of intention
and
notice of
sale.

Election on
sale of
bonds for
less than
par.

SEC. 23. Election on Sale of Bonds for Less Than Par. If the board of trustees of this district deems it desirable that said board shall be authorized to sell said bonds for less than the par value thereof, the board may call a special election to submit to the qualified voters of the district such proposition. Such election shall be held, and notice shall be given in the same manner as is provided herein in the case of special elections to authorize the issuance of bonds; or the board may submit such a proposal to the voters at any special election called for the purpose of authorizing the issuance of bonds, but in such event the notice of election shall specify that such proposal shall be submitted. If, however, the proposal to sell bonds at less than par is submitted at a subsequent or special election, such election shall be held and notice thereof shall be given in the same manner as is provided herein in the case of special elections to authorize the issuance of bonds. In any event the proposal shall be stated in substantially the following form: "Shall the board of trustees of the Palo Verde irrigation district be authorized to sell bonds of the district for less than the par value thereof?", followed by the words "Yes" and "No". If at least a majority of the legal votes cast at such election are for "Yes" then the board of trustees may sell any bonds authorized by said district to be issued, to the highest responsible bidder or bidders, as provided in the foregoing section. If less than a majority of the legal votes cast shall be for "Yes" the result shall be entered of record.

Exchange of
bonds for
property.

Nothing in the foregoing provision shall prevent the board of trustees exercising the power conferred upon them by this act to exchange any bonds issued in pursuance of this act in the acquisition of the water rights, water system or stock of the Palo Verde Mutual Water Company, or any other proper-

ties to be acquired for the irrigation system of the district, but in no case shall any bonds of the district be exchanged on a basis of less than the par value and accrued interest of such bonds, nor for a price in excess of the price fixed by appraisal or determination of the value of such properties by the trustees as hereinbefore provided.

SEC. 24. Paid by Annual Assessment. All bonds issued and the interest thereon shall be paid from revenue derived from an annual assessment upon the land within the district and the improvements thereon, and all said properties within the district shall be and remain liable to be assessed for such payment, as hereinafter provided, in so far as any bonds created or authorized under the provisions of this act are concerned; but with respect to all bonds that have been issued and sold, or which may hereafter be sold, of the said Palo Verde joint levee district and the Palo Verde drainage district, the interest and principal thereof shall be paid from revenue derived from the annual assessment upon the properties within the boundaries of said respective districts, which are taxable therefor under the provisions of said bonds and the acts in pursuance of which they were created.

Annual
assessment
to pay
bonds and
interest.

SEC. 25. Assessment to Complete Works—Notice of Election Ballots. In case the money raised by the sale of bonds issued be insufficient, or in case bonds be unavailing for the completion of the plan of construction, maintenance or repair of the works undertaken to be performed under this act, or the acquisition of the necessary property, water rights and water system, or for other properties authorized to be acquired by this act or proposed to be acquired, and additional bonds be not voted or sold, it shall be the duty of the board of trustees to provide for the completion of said plan and the acquisition of such properties, water and water rights by levy of assessments therefor; *provided, however,* that such levy of assessments shall not be made except first an estimate of the amount required for such purpose has been made by the board of trustees, and the question as to the making of said levy submitted to a vote of the qualified voters of the district. Before such question is submitted the order of submission shall be entered in the minutes of the board stating the amount to be levied and the purposes therefor, and if submitted at a special election said orders shall in addition fix the date of election. Notice of such election must be given by posting notice in three public places in each election precinct in said district for at least twenty days, and also by publication of such notice in some newspaper published within the district, if there is one, but if not, then in Riverside county, California, by at least three weekly publications. Such notice must specify the time of holding the election and the amount of assessment proposed to be levied; said election must be held and the result thereof determined and declared in all respect as nearly as practicable and in conformity with the provisions of this act governing the elections hereinbefore provided for; *provided, however,* that no informalities in conducting said election shall

Assessment
to complete
works.

Notice
of election.

Ballots.

Result of election.

invalidate the same if the election shall have been otherwise fairly conducted. At such election the ballot shall contain the words "Assessment—Yes" and "Assessment—No" or words equivalent thereto. If a majority of the votes cast are "Assessment—Yes" the board of trustees shall cause an assessment in the amount named in the order of submission to be made and collected in the same manner herein provided with regard to annual assessments. It shall be the duty of the proper county officials of each of the counties in which the lands within this district are located, to cause the necessary assessment to be levied for taxes fixed and collected in the manner provided by the revenue laws for the assessment and collection of county taxes. If a majority of the votes cast are "Assessment—No" the result of such election shall be so declared and entered of record.

Annual budget.

SEC. 26. Estimate of Annual Money Requirements of the District. The board of trustees of the district shall each year before the first day of September, and at such other times as the boards of supervisors of the counties of Riverside and Imperial may deem advisable, cause to be prepared and submitted to said boards of supervisors of the counties of Riverside and Imperial, a detailed statement showing the estimated amount of money that will be required for the purpose of payment of the interest payments or installments of principal to become due, upon any of the outstanding bonds of the Palo Verde joint levee district of Riverside and Imperial counties, California, or the Palo Verde Mutual Water Company (should the system of that company be taken over and any of its bonds assumed by this district), or the Palo Verde drainage district, or the bonds of this district, and also a detailed statement of the amount necessary to maintain, repair and operate the levees, water works, or reclamation works, or the maintenance, upkeep or operation of any other works under the control of the district, and likewise to defray the expenses of administering or conducting the affairs of the district, and of carrying into effect the purposes of this act during the forthcoming fiscal year. The statements of the interest payments to become due upon the bonds of this district, the levee district, and the drainage district, or other bonds assumed by this district, as well as the expenditures necessary for the levee protection work, drainage or reclamation work constructed by said respective districts shall all be separately stated. Should the board of trustees of the district fail to furnish such statement, it shall nevertheless be the duty of the boards of supervisors of said counties to ascertain the amount required to meet interest and installments of principal which will accrue during the forthcoming year, as well as such payments as may have accrued and remain unpaid, and assess and collect said amount as herein provided.

Duty of supervisors.

Annual statement of assessed valuations.

SEC. 27. Assessed Property. It shall be the duty of the county official of Riverside county having custody of the assessment roll of said county, and likewise the duty of the

county official having custody of the assessment roll of Imperial county at the times herein mentioned, to furnish to the board of supervisors of their respective counties, on or before the first day of September of each year after the formation of this district, and at such other times as the board of trustees of this district shall require, a detailed statement showing the total assessed value of all real property, with the improvements thereon, within the boundaries of this district, to be taken from the last preceding equalized assessment roll for their respective counties, and said statement shall indicate what part of said total assessed valuation applies to lands with the improvements thereon within the boundaries of the Palo Verde joint levee district of Riverside and Imperial counties, but not within the boundaries of the Palo Verde drainage district; and likewise what part of said total valuation applies to lands within the Palo Verde drainage district, but not included within the boundaries of the Palo Verde levee district. Said statement shall also indicate the value of all personal property assessable within said joint levee district, and any and all other data necessary to enable the board of supervisors of their respective counties, or the board of trustees of this district, to fix the tax rate or to levy such assessments upon the taxable property within all said districts which may be taxable therefor under the provisions of this act, or the acts under which said joint levee district and drainage district were organized.

SEC. 28. Annual Tax Levy. At the time when by law it is the duty of the board of supervisors of each of said counties to fix the annual tax rate for said respective counties of Riverside and Imperial, the said boards of supervisors taking as a basis the last previous report of the board of trustees of the estimated amount to be required to be raised for the forthcoming fiscal year and valuation of the lands and improvements thereon within the district, as provided them by said county official having custody of said assessment rolls, must levy a tax upon all of the lands, with the improvements thereon, in the district sufficient to raise the amount set forth in the report as made by said board of trustees as aforesaid, but in levying said tax, a rate shall be fixed for raising the amount to meet the principal and the accrued interest on the outstanding bonds of the said Palo Verde joint levee district, and the amount necessary for the maintenance, repair and operation of the levees constructed by said levee district, based upon the assessed value of the lands within the boundaries of said district, and a separate rate for the raising of money necessary to meet accrued installments of principal and interest on the bonds of the said drainage district, estimated amount for maintenance, repair and operating the drainage or reclamation systems installed or constructed by that district, and a separate rate also for raising the amount necessary to meet installments of principal and interest accruing on the bonds of this district, and all other expenses incident to the purpose

Annual
tax levy.

of this district, and the taxes shall be spread over the land of this district in such manner as that all lands comprised within the boundaries of all three districts, shall be assessed at the total of the three rates added together, and the lands within the drainage district, but not within the levee district, shall be assessed at the rate applicable to this district plus the rate applicable to the drainage district, and all lands within the levee district but not within the drainage district shall be assessed at the sum of the rate applicable to the levee district and to this district, but all properties acquired by this district after its organization, and all construction work or improvements in the way of providing, maintaining and operating water works, protection work or reclamation work in the entire district shall be deemed to be, and is hereby declared to be for the benefit of all lands within the district, and the cost thereof shall be apportioned and raised by taxation uniformly over the entire district in accordance with the assessed valuation of the real estate and improvements thereon within the district.

In ascertaining the rate of taxation fifteen per cent shall be deducted from the aggregate value of the lands and improvements within the district, as shown by the statement prepared and furnished to said boards of supervisors by the assessors, or other county official, as hereinbefore provided, for anticipated delinquencies, and then the sums necessary to be raised shall be divided by the remainder of such aggregate assessed value as shown in said statements furnished by said officers. The taxes so levied shall be copied and entered on the assessment roll by the proper county officers and collected at the time and in the same manner as county taxes; and when collected shall be paid into the county treasury for the use of the district. All taxes so levied as herein provided shall be a lien upon the lands and properties in said district in the manner and with the same effect and collected in the same way as are county taxes.

Disposition
of taxes
collected.

SEC. 29. Disbursement of District Funds. All moneys collected from the district, either from taxes or from any other source, shall be deposited with the county treasurer of the county of Riverside and placed in a fund to be called "The Palo Verde irrigator district fund." It shall be the duty of the county treasurer of Imperial county, as funds derived from the collection of taxes levied by virtue of this act upon the property within this district located in Imperial county, are paid over to him by the tax collector of said county, to transmit the same to the county treasurer of Riverside county to be deposited by said last named treasurer in the fund above mentioned, but the county treasurer of Imperial county shall not be required to transmit said funds as they accumulate oftener than every thirty days. All payments required to be made by the district in pursuance of this act shall be made upon warrants drawn by the county auditor upon said fund and based upon itemized requisitions signed by the president

Disburse-
ment of
funds.

and secretary and one member of the board of trustees other than the president and secretary, and paid by the treasurer, but accurate account shall be kept by the board of trustees of the amount of funds on hand applicable to the particular purpose for which taxes have been levied, or bonds sold, and no disbursement from the fund shall be made for any purpose in excess of the amounts authorized for such purpose, and each requisition shall show on its face the account to which the same is chargeable. Upon the requisition of the board of trustees the auditor is authorized to draw a warrant from time to time in favor of the district for the purpose of providing an emergency fund for the payment of emergency expenses, and the treasurer is authorized to pay such warrant, but the trustees shall cause the same to be deposited in a reputable bank to the credit of the district, and such fund may be disbursed on checks in the name of the district signed by the president and secretary and countersigned by one member of the board of trustees in addition to the president and secretary for emergency purposes; *but provided, however,* that the amount on deposit in that fund shall never exceed five thousand dollars, and an itemized statement of the disposition of the same shall be made at least every thirty days, verified by the oath of the president and secretary and filed with the county auditor of Riverside county; *and provided, further,* that the board of trustees shall at all times keep in force a good and sufficient indemnity bond executed by a reputable corporation authorized to engage in the business of executing fidelity bonds in the State of California in an amount to be fixed by the board of trustees.

Emergency
fund.

SEC. 30. County Aid for Improvements. If the said board of supervisors of either the county of Riverside or Imperial shall consider that the construction or repair of dikes, levees, reclamation, canals, waterworks or other works of said district along or upon any of the county roads of said county will be for the mutual benefit of said district and said county, then in that event the respective boards of supervisors of said counties shall have power and may contribute to the expense and costs of such work such sums of money as they may deem proper on behalf of the county, and such money shall be paid out of either the joint road fund or the special fund of any road district for which such work is done, and as a majority of the board of supervisors may determine.

County aid
for im-
provements.

SEC. 31. Emergency Loans by Counties. If, at any time in the opinion of either or both of said boards of supervisors, the expenditure of money is absolutely necessary to the welfare of this district, and there is no money in the fund of said district to make such necessary expenditure, or the money in said fund is insufficient to make such necessary expenditure, then said boards of supervisors or either or both of them may advance such money out of the funds of said counties for said purpose, and as soon as there is sufficient money in the fund of this district to pay the amount so advanced the board of

Emergency
loans by
counties.

supervisors of Riverside county shall direct the county treasurer of said county to repay the same to the county entitled thereto from the funds of this district.

Officers
not to be
interested in
contracts.

SEC. 32. Trustees Not to be Interested in Contracts. No trustee or any other officer of this district shall in any manner, be interested directly or indirectly in any contract awarded or to be awarded by the board in the profit to be derived therefrom, and for any violation of this provision such officer shall be deemed guilty of a misdemeanor and such act shall work a forfeiture of his office, and he shall be punishable by a fine not to exceed five hundred dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

Suit to
determine
validity of
bonds.

SEC. 33. Suit to Determine Validity of Bonds. The board of trustees may at any time before the issue of any bonds or the levy of any assessment herein provided for, bring an action in the superior court of Riverside county to determine the validity of any such bonds or such levy or assessment. Such action shall be in the nature of a proceeding in rem and jurisdiction of all parties interested may be had by publication of summons for at least once a week for three weeks in some paper of general circulation published in said county, such paper to be designated by the court having jurisdiction of the proceedings. Jurisdiction shall be complete within ten days after the full publication of such summons in the manner herein provided. Any one interested may at any time before the expiration of said ten days appear, and by proper proceedings contest the validity of such bonds or assessments. Such action shall be speedily tried and judgment rendered declaring such bonds or assessment so contested either valid or invalid. Either party may have the right to appeal to the supreme court at any time within thirty days after the rendition of such judgment, which appeal must be heard and determined within three months from the time of taking such appeal.

Assessment
payer may
bring action.

SEC. 34. Assessment Payer May Bring Action. If no such proceedings shall have been brought by the board of trustees, then, at any time within thirty days after the levy of any assessment or issue of any bonds under the provisions of this act, any district assessment payer may bring an action in the superior court of the county of Riverside to determine the validity of any such assessment or such bonds. The board of trustees shall be made parties defendant, and service of summons shall be made on at least four members of the board personally. Said board shall have the right to appear and contest such action. Such action shall be speedily tried, with the right of appeal to either party, within the time and manner herein provided with reference to the bringing of actions by the board to determine such matters. Such appeal shall be heard and determined in the manner and within the time therein provided.

SEC. 35. Consolidation of Actions. If more than one action shall be pending at the same time concerning similar contests in this act provided for, they shall be consolidated and tried together. Consolidation of actions.

SEC. 36. Courts Must Disregard Errors, etc., Rules of Pleading, Costs. The court hearing any of the contests herein provided for, in inquiring into the regularity, legality or correctness of such proceedings, must disregard any error, irregularity or omission which does not affect the substantial rights of the parties to said action or proceeding. The rules of pleading and practice provided by the Code of Civil Procedure which are not inconsistent with the provisions of this act, are applicable to all actions or proceedings herein provided for. The motion for a new trial of any such action or proceeding must be heard and determined within ten days from the filing of the notice of intention. The costs of any hearing or contest herein provided for, may be allowed and apportioned between the parties, or taxed to the losing party, in the discretion of the court. Court must disregard errors, etc. Rules of pleading. Costs.

SEC. 37. Contests. No contest of anything or matter herein provided shall be made other than within the time and manner herein specified, and in any such action all findings of fact or conclusions of said board of trustees or of the board of supervisors upon all matters shall be conclusive, unless such action was instituted within six months after such finding or conclusion was made. Limitation of actions.

SEC. 38. Penalty for Violation of Duty. For any wilful violation of any express duty herein provided for on the part of any officer herein named, he shall be liable upon his official bond, and be subject to removal from office, by proceedings brought in the superior court of the county wherein the office of the board of trustees of the district is located, by any assessment payer of the district. Liability of officers.

SEC. 39. Bonds Exempt from Taxation. Any and all bonds issued under the provisions of this act are hereby given the same force, value and use as bonds issued by any municipality, and shall be exempt from any taxation within the State of California. Force, value, use and taxation of bonds.

SEC. 40. Exclusion of Lands. Change of Boundaries by Exclusion of Lands. The boundaries of this district may be changed by exclusion of lands therefrom by following substantially the procedure prescribed in the act of the legislature of the State of California known as "The California irrigation district act," approved March 31, 1897, and which provisions on that subject are embodied in sections seventy-four to eighty-four, both inclusive, and all of the provisions of said act with respect to the exclusion of land as the same have been amended and existed on January 1, 1923, are hereby adopted as a part of this act, except that the powers, rights and duties conferred upon the board of directors of irrigation districts formed under said act, are hereby conferred upon Reduction of area of district.

Liability of
excluded
bonds.

the board of trustees of this district; *and provided, further*, that it shall not be necessary to make any division or redivision of the lands within the district on account of any such exclusion, as provided in sections eighty-one and eighty-two of said act, nor shall the exclusion of lands in any manner affect the tenure of office or manner of election of trustees of this district; *and provided, further*, that the exclusion of lands from this district shall not in any manner operate to release the lands so excluded from any obligation to pay, or lien thereon, of any valid outstanding bonds or other indebtedness of said district at the time of the filing of the petition for the exclusion of such land, but on the contrary the same shall be held subject to such lien and answerable and chargeable for and with the payment and discharge of all such outstanding obligations at the time of the filing of the petition for the exclusion of such land as fully as though said petition for the exclusion of the same was never filed, or order for the exclusion never made; and for the purpose of discharging said outstanding indebtedness, the land so excluded shall be deemed and considered as part of the district the same as though the same had never been excluded and all provisions which may have been resorted to to compel the payment by said lands of their pro rata or proportion of said outstanding obligations may, notwithstanding said exclusion, be resorted to to compel and force the payment on the part of said lands of their quota and proportion of such outstanding obligations for which they are liable; but the property so excluded shall not be held answerable or chargeable for any obligations of any nature or kind whatever incurred after the filing with the board of trustees of the district of the petition for the exclusion of the same from the district.

Enlargement
of district.

SEC. 41. Inclusion of Lands. Boundaries May Be Changed. Existing Rights Not Affected. The boundaries of this district may be changed by the inclusion of land therein in the manner herein prescribed; but such change of the boundaries of the district shall not impair or affect its organization, or its rights in or to property or any of its rights or privileges of whatsoever kind or nature; nor shall it affect, impair, or discharge any contract, obligation, lien or charge for or upon which it was or might become liable or chargeable had such change of its boundaries not been made.

Petition for
annexation
of territory.

SEC. 42. Manner of Procedure for Inclusion of Lands. The holder or holders of title, or evidence of title, representing one-half or more of any body of lands adjacent to the boundary of this district, which are contiguous, and which, taken together, constitute one tract of land, may file with the board of trustees of this district, a petition in writing, praying that the boundaries of said district may be so changed as to include therein said lands. The petition shall describe the boundaries of said parcel or tract of land, and shall also describe the boundaries of several parcels owned by the petitioners, if the petitioners be the owners respectively of distinct parcels, but such descriptions need not be more par-

ticular than they are required to be when such lands are entered by the county assessor on the assessment book. Such petition must contain the assent of the petitioners to the inclusion within said district of the parcels or tracts of land described in the petition, and of which said petition alleges they are, respectively, the owners; and it must be acknowledged in the same manner that conveyances of land are required to be acknowledged.

SEC. 43. Notice of Filing of Petition. The secretary of the board of trustees shall cause a notice of the filing of such petition to be given and published in the same manner and for the same time that notices of special elections for the issue of bonds are required by this act to be published. The notice shall state the filing of such petition and the names of the petitioners, a description of the lands mentioned in said petition, and the prayer of said petition; and it shall notify all persons interested in, or that may be affected by such change of the boundaries of the district, to appear at the office of said board at a time named in said notice, and show cause in writing, if any they have, why the change in the boundaries of said district, as proposed in said petition, should not be made. The time to be specified in the notice at which they shall be required to show cause shall be the regular meeting of the board next after the expiration of the time for the publication of the notice. The petitioners shall advance to the secretary sufficient money to pay the estimated costs of all proceedings under this act.

Notice of
filing
of petition.

SEC. 44. Hearing of Petition. Failure to Appear Deemed an Assent. The board of trustees, at the time and place mentioned in the said notice, or at such other time or times to which the hearing of said petition may be adjourned, shall proceed to hear the petition, and all the objections thereto, presented in writing by any person showing cause as aforesaid why said proposed change of boundaries of the district should not be made. The failure by any person interested in the district, or in the matter of the proposed change of its boundaries, to show cause, in writing, as aforesaid, shall be deemed and taken as an assent on his part to a change of the boundaries of the district as prayed for in said petition, or to such a change thereof as will include a part of said lands. And the filing of such petition with said board, as aforesaid, shall be deemed and taken as an assent on the part of each and all of such petitioners to such a change of said boundaries that they may include the whole or any portion of the lands described in said petition.

Hearing
of petition.

Assent of
landowners.

SEC. 45. Condition Precedent. The board of trustees may require, as a condition precedent to the granting of the petition, that the petitioners shall severally pay to such district such respective sums, as nearly as the same can be estimated (the several amounts to be determined by the board) as said petitioners or their grantors would have been required to pay to such districts as assessments, had such lands been

Condition
precedent.

included in such district at the time the same was originally formed.

Order
annexing
territory.

SEC. 46. Change in Boundaries. If the board of trustees deem it for the best interest of the district that the boundaries of said district be changed and if no person interested in said district or the proposed change of its boundaries shows cause, in writing, why the proposed change should not be made, or, having shown cause, withdraws the same, the board may order that the boundaries of the district be so changed as to include therein the lands mentioned in said petition or some part thereof. The order shall describe the boundaries as changed and shall also describe the entire boundaries of the district as they will be after the change thereof as aforesaid is made; and for that purpose the board may cause a survey to be made of such portions of such boundary as is deemed necessary; *provided, however,* that any public land of the United States of America adjoining the boundaries of this district may be included within the boundaries of this district by order or resolution of the board of trustees of such district without any petition being filed asking for such inclusion; *and provided, further,* that when additional land is included within this district and the board of trustees of such district finds that such inclusion without condition would work an injury to the land already in the district either by an impairment of water right or by requiring a greater expense for furnishing water to the lands proposed to be included, the board may prescribe conditions upon such inclusion of land, either by providing for priority of right to water or for the payment of an additional annual charge or such other condition as may to the board seem just. If such inclusion is upon petition of property owners all such property owners must sign and acknowledge an agreement with the district, specifying such conditions and describing the land so to be included. Such agreement must be recorded in the office of the county recorder of the county in which such lands are situated together with a certified copy of the order including such lands, and thereupon such lands shall become a part of this district subject to such conditions.

Conditions
subsequent.

Record.

Resolution
describing
boundaries.

SEC. 47. Resolution Describing Boundaries. If any person interested in said district or the proposed change of its boundaries shall show cause as aforesaid why such boundaries should not be changed and shall not withdraw the same or if the board of trustees deem it not for the best interests of the district that the boundaries thereof be changed so as to include therein the lands mentioned in the petition or some part thereof, the board shall adopt a resolution to that effect. The resolution shall describe the exterior boundaries of the land which will be included within the boundaries of the district when changed, but before calling the election provided for in the next section, the board may require an undertaking, with sufficient sureties, from the petitioners that they

Bond for
cost
of election.

will pay all of the cost of holding such election for the inclusion of such lands in case such inclusion should be denied.

SEC. 48. Notice of Election. Ballots. Upon the adoption of the resolution mentioned in the last preceding section the board of trustees shall order that an election be held within said district, to determine whether the boundaries of the district shall be changed, as mentioned in said resolution; and shall fix the time at which such election shall be held, and cause notice thereof to be given and published. Such notice shall be given and published, and such election shall be held and conducted, the returns thereof shall be made and canvassed, and the result of the election ascertained and declared, and all things pertaining thereto conducted in the manner prescribed by this act in case of a special election to determine whether bonds of this irrigation district shall be issued. The ballots cast at said election shall contain the words "For change of boundary", or "Against change of boundary", or words equivalent thereto. The notice of election shall describe the proposed changes of the boundaries in such manner and terms that it can readily be traced.

Notice of election and conduct thereof.

Ballots.

SEC. 49. Election, Holding of. Time and Notice of Ballots. If at such election a majority of all the votes cast at said election shall be against such change of the boundaries of the district, the board shall order that said petition be denied, and shall proceed no further in that matter. But if a majority of such votes be in favor of such change of the boundaries of the district, the board shall thereupon order that the boundaries be changed in accordance with said resolution adopted by the board. The said order shall describe the entire boundaries of said district, and for that purpose the board may cause a survey of such portions thereof to be made as the board may deem necessary.

Order of board following election.

SEC. 50. Order of Board to be Recorded. Upon a change of the boundaries of the district being made, a copy of the order of the board of trustees ordering such change, certified by the president and secretary of the board, shall be filed for record in the recorder's office of each county within which are situated any of the lands of the district, and thereupon the district shall be and remain a district, as fully, and to every intent and purpose, as if the lands which are included in the district by the change of the boundaries, as aforesaid, had been included therein at the original organization of the district.

Record of order and effect thereof.

SEC. 51. Recording Petition in Minutes. Upon the filing of the copies of the order, as in the last preceding section mentioned, the secretary shall record in the minutes of the board the petition aforesaid and the said minutes, or a certified copy thereof, shall be admissible in evidence with the same effect as the petition.

Recording petition in minutes.

SEC. 52. Rights of Guardians, Executors and Administrators. A guardian, an executor or an administrator of an estate, who is appointed as such under the laws of this state,

Rights of guardians, etc.

and who as such guardian, executor or administrator, is entitled to the possession of the lands belonging to the estate which he represents may, on behalf of his ward, or the estate which he represents, upon being thereunto authorized by the proper court, sign and acknowledge the petition in this act mentioned, and may show cause, as in this act mentioned, why the boundaries of the district should not be changed.

Assessments
to pay
principal and
interest.

SEC. 53. Provisions for Funding Outstanding Bonds. At the time fixed for the levying of assessments for other purposes authorized by this act, there shall be levied an assessment sufficient in amount to pay the principal and interest then due and unpaid on any bonds issued for funding purposes as herein provided, and also the amount to become due on any such bonds during the year following such levy. The assessment so levied shall be computed and entered in the assessment roll in the same manner, and shall be collected at the same time and in the same manner as other assessments authorized by this act, and when collected shall be paid to the county treasurer of the county of Riverside for the purposes herein authorized. All provisions of this act relating to the collection of assessments shall be applicable to the assessments levied under this provision.

Exchange
of bonds.

SEC. 54. Exchange of Bonds. The funding bonds issued as herein provided may be exchanged at not less than their par value for any of the indebtedness set out and described in the notice of election authorizing the issuance of said funding bonds.

A contract for such exchange may be made by the board of trustees upon such terms as said board may deem advisable; *provided*, that they must receive not less than the par value for the bonds so exchanged.

Unnecessary
bonds to be
destroyed.

SEC. 55. Unnecessary Bonds May Be Destroyed. Whenever there remains in the hands of the secretary of the district any funding bonds voted to be issued by said district, but not used, and not necessary to be used for the funding purposes set out and described in the petition for the issuance of said bonds, then said board of trustees shall, at a regular meeting, within three months after the completion of the funding, cause the same to be destroyed, and a record to be made thereof, and the total amount of bonds so destroyed and canceled shall be deducted from the sum authorized to be issued by the voters of the district, and no part thereof shall be thereafter reprinted or reissued.

Bonds a
lien on
property.

SEC. 56. Bonds Are a Lien on Property. Any bonds issued under the provisions of this act shall for funding or refunding purposes, be a lien upon the real property of the district, and said bonds and the interest thereon shall be paid by revenue derived from an annual assessment upon the real property of the district and improvements, and all such property in said district shall be and remain liable to be assessed for such payments as hereinbefore provided.

Refunding
of bonds.

SEC. 57. Refunding of Bonds. The board of trustees of this district may, by a majority vote of the members of the

board of trustees, submit to the electors of the district at any election, a proposition for the issuance of new bonds for the purpose of refunding any or all of the bonds outstanding, issued by this district, or the Palo Verde joint levee district of Riverside and Imperial counties, California, or the Palo Verde drainage district, or the Palo Verde Mutual Water Company assumed by this district, hereinbefore referred to. Such election shall be held, and the vote thereon shall be the same as provided in this act with respect to the issuance of other bonds of this district; *provided*, no petition therefor need be circulated or signed; *and provided, further*, that a majority of the votes of those voting on said proposition shall be sufficient to carry the same. Such bonds shall bear interest at a rate the same as or lower than the bonds to be refunded, and no refunding bonds shall have a later date of maturity than forty years from the date of their issuance.

SEC. 58. Form—Sale. The refunding bonds shall be issued in substantially the manner and in the form required by law for the issuance of other bonds of this district. These bonds may be sold from time to time in the same manner as other bonds of the district, or if the trustees of the district and the holders of any of the bonds so elect, they may be exchanged in payment of the bonds so outstanding and surrendered.

Form
of bonds.Sale of
same.

SEC. 59. Tax Levy to Pay Interest and Principal. The board of trustees shall cause to be assessed and levied each year upon the real property and the improvements thereon in the district, in addition to the levy authorized for other purposes, a sufficient sum to pay the interest on or principal of such refunding bonds in the same manner as provided in this act relating to the levy and collection of assessments for other purposes.

Tax levy
to pay
principal and
interest.

SEC. 59a. Recall of Trustees. Any member of the board of trustees of the district may be removed or recalled at any time by the electors; *provided* he has held his office at least six months. The procedure to effect such removal or recall shall be as follows: "A petition demanding the election of the successor to the trustee sought to be removed shall be filed with the secretary of the board of trustees of the district; which petition shall be signed by at least one hundred owners of real property within the district assessed for taxation on the last preceding equalized assessment roll; *provided*, that such petition shall include the holders of title or evidence of title of not less than twenty per cent in value within the district. In determining the value of any land within the district for the purpose of determining the sufficiency of such petition, the last equalized assessment roll of the county within which the lands within the district is situated, shall be conclusive evidence of such facts for such purpose. Said petition shall contain a statement of the grounds on which removal or recall is sought which statement is intended solely for the information of the voters. Any insufficiency of form or substance in such statement shall in no wise affect the validity of the elec-

Recall
of trustees.

Recall
of trustees.

tion and the proceedings held thereunder. The signatures to the petition need not be appended to one paper. Following each signature there shall be a description of the real property owned by the signer and the assessed value thereof on the last equalized assessment roll. Each separate petition shall have attached thereto an affidavit made by one of the signers of the petition and sworn to before an officer competent to administer oaths, stating that the affiant circulated that particular petition and saw written the signatures appended thereto; and that according to the best information and belief of the affiant each is a genuine signature of the person whose name purports to be thereunto subscribed and of a qualified voter of the district. Within ten days from the date of filing such petition the secretary of the board shall examine and from the records of registration ascertain whether or not said petition is signed by the requisite number of qualified voters; and he shall attach to said petition his certificate showing the result of such examination. If by said certificate the petition is shown to be insufficient, it may be supplemented within ten days from the date of such certificate by the filing of additional papers, duplicates of the original petition, except as to the names signed. The secretary shall within ten days after such supplementing papers are filed make like examination of the supplementing petition, and if the certificates shall show that all the names to such petitions, including the supplemental papers, are still insufficient, no action shall be taken thereon; but the petition shall remain on file as a public record; and the failure to secure sufficient names shall not be held prejudicial to the filing later of an entirely new petition to the same effect. If the petition shall be found to be sufficient, the secretary shall submit the same to the board of trustees without delay, whereupon the board shall forthwith cause a special election to be held within not less than thirty-five nor more than forty days after the date of the order calling such election, to determine whether the voters may recall such trustee; *provided*, that if a regular election of trustees of this district is to occur within sixty days from the date of the order calling for such election the board may in its discretion postpone the holding of such election to such regular election, or submit such recall election at such regular election of trustees occurring not less than thirty-five days after such order. If a vacancy occur in said office after the recall petition is filed, the election shall nevertheless proceed as in this section provided.

One petition is sufficient to propose a removal and election of one or more trustees. One election is competent for the removal and election of one or more trustees. Nominations for the office of trustees at such recall election shall be made in the manner prescribed in sections four and ten of this act. If the board of trustees refuses to call an election upon the presentation of the petition as above provided, and any property owner within the district claims that such petition is sufficient, such person may apply to the superior court of the

county of Riverside for a writ of mandate to compel the calling of such election. The proceedings upon said petition shall be governed as far as applicable by the proceedings of the general law governing such proceedings and the same shall be heard at the earliest practicable time. If proof is furnished to the satisfaction of said court that the requirements of the foregoing provisions with reference to the said petition have been complied with, a writ of mandate shall be issued compelling the calling and holding of the election.

Upon the calling of such election there shall be printed on the recall ballot as to the trustee whose recall is to be voted on thereat the following question: "Shall (name of person against whom the recall petition is filed) be recalled from the office of trustee?" Following which question shall be the words: "Yes" and "No", on separate lines with a blank space, at the right of each in which the voter shall indicate by stamping a cross (X) his vote for or against such recall. On such ballots under such question there shall be printed names of those persons who have been nominated as candidates to succeed the person recalled in case he shall be removed from office by such recall election; but no vote shall be counted for any candidate for said office unless the voter also votes on said question of the recall of the person sought to be recalled from said office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office. If a majority of all votes cast on said question of the recall of any incumbent from office shall be "No" said incumbent shall continue in said office. If the majority of votes cast on said question of recall shall be "Yes" said incumbent shall thereupon be deemed removed from said office upon the qualification of his successor. The election shall be conducted, canvass of all votes for candidates for said office shall be made and the result declared in like manner as in this act provided for regular elections of the trustees within this district. If the vote at any such recall election shall recall the trustee then the candidate who has received the highest number of votes for the office shall thereby be declared elected for the remainder of the term. In case the person who received the highest number of votes shall fail to qualify within ten days after having been elected, the office shall be deemed vacant and shall be filled according to the provisions of this act governing the filling of vacancies. If the vote at any such recall election shall not recall the officer, no further petition for the recall for such officer shall be filed before the expiration of six months from the date of said first recall election.

SEC. 60. Dissolution. All laws of the State of California providing for the dissolution of irrigation districts shall apply to the district organized by this act, in like manner as irrigation districts formed under the general laws.

Dissolution
of district.

SEC. 61. Effect of Unconstitutional Provision. If any section, subsection, sentence, clause or phrase of this act is, for

Constitution-
ality.

Irregularities
in election
of trustees.

any reason, held to be unconstitutional such decision shall not affect the validity of the remaining portions of this act. Neither shall the validity of any bonds authorized or issued under this act, or any assessment levied upon the properties of the district in pursuance of this act, be in any manner affected or impaired, should it be found or declared judicial or otherwise, that any of the trustees or officers participating in said proceedings for the issuance of bonds, or the levying of an assessment, were not legally elected or not lawfully in office, but on the contrary notwithstanding any such person purporting to act as trustee or officer of the district might not have been legally elected, or duly qualified, and notwithstanding any provisions in this act with reference to the manner of the selection of the trustees may be held unconstitutional, nevertheless the persons who have received the majority of the votes cast at elections and purporting to act on behalf of the district, as such trustees, shall be treated as the authorized officers or representatives of the district for the purpose of conducting or participating in the proceedings for the issuance of bonds and the levying of assessments, and such bonds and assessments shall nevertheless be valid.

CHAPTER 453.

An act to amend section four hundred twenty-nine of the Civil Code relating to fire and marine insurance corporations.

[Approved June 21, 1923.]

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

Section 1. Section four hundred twenty-nine of the Civil Code of the State of California is hereby amended so as to read as follows:

Amounts
to be re-
served before
making
dividends.

429. Corporations formed under the laws of this state, having a capital stock and transacting fire, marine or inland navigation insurance business may make dividends from funds remaining on hand after retaining unimpaired:

1. The entire subscribed capital stock.
2. All the premiums received and receivable upon all unexpired marine and inland navigation risks, except time risks.
3. A fund equal to one-half of the amount of all premiums received and receivable upon all unexpired fire risks running one year or less from the date of the policy and upon all marine time risks.

4. A pro rata amount of all premiums received and receivable upon all unexpired fire risks running more than one year from the date of the policy.

5. A sum sufficient to pay all losses reported or in course of settlement and all liabilities for expenses and taxes.

CHAPTER 454.

An act making an appropriation to pay the claim of Carl G. Brown against the State of California.

[Approved June 21, 1923.]

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

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of seven hundred seventy-six and four one-hundredths dollars to pay the claim of Carl G. Brown against the State of California.

Appropriation claim of Carl G. Brown.

CHAPTER 455.

An act appropriating money to pay the claim of the Postal Telegraph company against the State of California.

[Approved June 21, 1923.]

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

SECTION 1. The sum of eight hundred eighty-four dollars and seventy-three cents is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of the Postal Telegraph Company against the State of California.

Appropriation claim of Postal Telegraph Co.

CHAPTER 456.

An act to amend section four thousand two hundred forty-nine of the Political Code, relating to the compensation of officers in counties of the twentieth class.

[Approved June 22, 1923.]

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

SECTION 1. Section four thousand two hundred forty-nine of the Political Code is hereby amended to read as follows:

4249. In counties of the twentieth class, the county and township officers shall receive, as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

Salaries and fees of officers.

1. The county clerk shall receive three thousand six hundred dollars per annum and the fees that have been and are now allowed said clerk by the United States bureau of naturalization; *provided*, that in counties of this class there shall be, and there hereby is allowed to the county clerk the following clerks, deputies and employees, who shall be appointed by the county clerk and shall be paid salaries as follows: Three deputies at a salary of one hundred fifty dollars per month each, and one stenographer at a salary of one hundred and twenty-five dollars per month and one copyist at a salary of one hundred dollars per month; *and provided, further*, that in

County clerk.

any year when a registration of voters is required by law or supplements to be made thereto, the said county clerk may appoint such number of registration deputies as may be necessary for the convenient registration of voters, each of said deputies to receive the sum of ten cents per name for each and every elector registered by him; said registration deputies to be paid for their services on the presentation and filing with the board of supervisors of said county, a duly verified claim therefor on the general fund of said county, after proper allowance of said claim by said board of supervisors.

It is hereby found as a fact that the salaries provided for in this subdivision do not work an increase in compensation, and the same shall apply immediately to incumbents.

Sheriff.

2. The sheriff shall receive four thousand eight hundred dollars per annum; and there shall be and there is hereby allowed to the sheriff the following deputies, who shall be appointed by the sheriff and shall be paid salaries as follows: One chief deputy at a salary of two thousand four hundred dollars per annum; one court room deputy at a salary of one thousand eight hundred dollars per annum; two deputy sheriffs, each at a salary of one thousand five hundred dollars per annum; and one jailer to reside at the jail and to be on call at all times at a salary of one thousand five hundred dollars per annum.

It is hereby found as a fact that the salaries provided for in this subdivision do not work an increase in compensation, and the same shall apply immediately to incumbents.

Recorder.

3. The recorder shall receive two thousand five hundred dollars per annum, and there shall be and there is hereby allowed to the county recorder two deputies who shall be appointed by recorder; one chief deputy who shall be paid one thousand eight hundred dollars per annum; and one deputy who shall be paid one thousand five hundred dollars per annum.

The recorder shall collect and pay into the county treasury the fees required by law; *provided*, that whenever the amount of fees so collected in any one month shall exceed the sum of four hundred dollars, the recorder may in addition to his salary, retain for his own use one-half of such excess.

Auditor.

4. The auditor shall receive three thousand three hundred dollars per annum, and there is hereby allowed to the auditor three deputies, who shall be appointed by the auditor; one deputy who shall be paid one thousand eight hundred dollars per annum, and one who shall be paid one thousand three hundred twenty dollars per annum, and one who shall be paid one thousand two hundred dollars per annum; *and it is further provided*, that if the board of supervisors in any year shall act, order or direct the auditor to prepare and compile its annual statistical report, and on so performing such services and in that event he shall be allowed the further sum of three hundred dollars payable upon the completion and acceptance of said report, and if said report is mailed throughout the county

by the auditor he shall be allowed the further sum of one hundred dollars.

5. The treasurer shall receive two thousand four hundred dollars per annum; and there is hereby allowed to the treasurer one deputy to be appointed by him, who shall receive a salary of one thousand five hundred dollars per annum. Treasurer.

6. The tax collector shall receive three thousand dollars per annum, and there shall be and there hereby is allowed to the tax collector one deputy, who shall be appointed by the tax collector and shall receive a salary of one thousand eight hundred dollars per annum. And there shall be and there hereby is allowed one copyist to the tax collector who shall receive a salary of one thousand two hundred dollars per annum. And there shall be and there is hereby allowed to the tax collector an additional sum of three hundred dollars per annum to be used for extra help as needed, to be paid on presentation and filing with the board of supervisors of said county upon duly verified claim or claims therefor. Tax collector.

7. The license collector shall receive ten per cent of all licenses collected by him. License collector.

8. The assessor, four thousand dollars per annum; *provided*, that in counties of this class there shall be allowed to the assessor the following deputies, whose offices are hereby created and who shall be appointed by the assessor: One deputy who shall be chief deputy at a salary of two thousand four hundred dollars per annum, one assistant deputy at a salary of one thousand eight hundred dollars per annum; and an office deputy at a salary not to exceed one thousand five hundred dollars per annum; and one typist at a salary not to exceed one thousand two hundred dollars per annum; and such field deputies as the assessor may require, and whose compensation shall not in the aggregate exceed the sum of five thousand five hundred dollars. Said field deputies shall not be allowed a compensation of more than eight dollars per diem; *and provided*, that the assessor shall file with the county auditor a verified statement showing in detail the amounts and the persons to whom such compensation is paid; *and provided, further*, that the assessor shall be allowed such additional assistants as he may require and whose compensation shall not in the aggregate exceed the sum of seven hundred eighty dollars per annum; said assistants to be paid for their services on the presentation and filing with the board of supervisors of said county a duly verified claim or claims therefor. Said assessor may employ such assistants as may be necessary in making maps, plats and drawings essential for use in the assessor's office in the performance of his duties and the expense thereof shall be a charge against the county. *It is hereby further provided*, that the said assessor shall retain no commissions for the collection of personal property taxes or road poll taxes, but that all such collections shall be paid into the county treasury and become the property of the county. Assessor.

9. The district attorney shall receive four thousand two hundred dollars per annum and said district attorney while in District attorney.

receipt of said salary shall be disqualified from engaging in the practice of law in any and all of the courts of this state, in any action or cause wherein the county in which he is elected and serves or the State of California is not a party or parties, and there is hereby allowed to the district attorney one deputy to be appointed by him, who shall receive a salary of three thousand dollars per annum; one deputy to be appointed by him who shall receive a salary of one thousand eight hundred dollars per annum; one stenographer who shall receive a salary of one thousand five hundred dollars per annum and there is hereby allowed the district attorney one detective, to be appointed by him, who shall receive a salary of one thousand eight hundred dollars per annum. Said detective shall have all the powers of a peace officer as set forth in section eight hundred thirty-four and eight hundred thirty-six of the Penal Code.

It is hereby found as a fact that the salaries provided for in this subdivision do not work an increase in compensation, and the same shall apply immediately to incumbents.

Public ad-
Coroner.

10. The coroner shall receive such fees as are now, or may hereafter be allowed by law.

Administrator.

11. The public administrator shall receive such fees as are now, or may hereafter be allowed by law.

Superintend-
ent of
schools.

12. The superintendent of schools, two thousand five hundred dollars per annum; and there shall be and there is hereby allowed to the superintendent of schools, one deputy who shall be appointed by the superintendent of schools, and shall be paid a salary of one thousand two hundred dollars per annum.

Surveyor.

13. The surveyor shall receive two thousand four hundred dollars per annum and necessary traveling expenses while in the performance of duties of his office.

County
librarian.

13a. The county librarian shall receive two thousand dollars per annum, and shall be allowed actual and necessary traveling expenses.

Supervisors.

14. Each supervisor one thousand two hundred dollars per annum, and mileage at twenty cents per mile for all distances traveled by him as supervisor or as road commissioner; such mileage not to exceed in any one year the sum of one thousand dollars.

Reporter.

15. The official shorthand reporter shall receive two thousand dollars per annum for the department of the superior court to which he has been appointed. Whenever one reporter shall be appointed to and shall perform the duties required of the official shorthand reporter, for more than one department of said superior court, he shall receive a salary therefor of three thousand four hundred dollars per annum.

In addition thereto he shall receive for transcribing notes, the sum of twenty cents per folio for the original, and five cents per folio for all copies thereof.

Justices
of the peace.

16. In townships having a population of seven thousand or over, two justices of the peace shall be elected, and each

shall receive a salary of one hundred twenty-five dollars per month. In townships having a population less than seven thousand and over three thousand there shall be but one justice of the peace elected and he shall receive a salary of thirty dollars per month. In all other townships there shall be but one justice of the peace, who shall receive a salary of twenty dollars per month. All justices in counties of this class shall collect in civil cases only, the following fees, to wit:

(1) For all services before trial or entry of judgment by default or confession, two dollars and for all additional services in such action, including execution and satisfaction of judgment, two dollars.

(2) For the trial of civil actions and all proceedings subsequent thereto, three dollars.

(3) For certificate and transmitting paper and transcript on appeal, one dollar.

(4) For copies of papers on docket per folio, ten cents.

(5) For issuing a search warrant, the fee to be paid by the party demanding the same, one dollar.

(6) For celebrating a marriage, and returning a certificate thereof to the county recorder, five dollars.

(7) For taking an acknowledgment of an instrument, for the first name fifty cents, and for each additional name twenty-five cents.

(8) For administering an oath, and certifying the same, fifty cents.

(9) For issuing a commission to take testimony, one dollar.

(10) For all services connected with the posting of estrays, one dollar.

(11) For issuing each affidavit, certificate, process, writ, order, or paper required by law to be issued, not otherwise herein provided for, twenty-five cents.

(12) For taking bail in all proceedings, pending before another magistrate, fifty cents.

All such fees collected by such justice shall be paid into the salary fund of the county treasury.

17. In townships having a population of seven thousand or over, two constables shall be elected and each shall receive a salary of forty dollars per month. In townships having a population less than seven and over three thousand, there shall be but one constable elected, and he shall receive a salary of twenty-five dollars per month. Constables.

In all other townships there shall be but one constable who shall receive twenty dollars per month. All constables in addition to the salaries above provided for, shall receive and collect for their use and benefit, in civil cases only, the following fees, to wit:

(1) For serving summons and complaints, for each defendant served, fifty cents.

(2) For each copy of summons made by him, twenty-five cents.

Constables.

(3) For levying writ of attachment or execution, or executing an order of arrest, in a civil case or for delivery of personal property, two dollars.

(4) For serving a writ of attachment or execution on any ship, boat or vessel, three dollars.

(5) For keeping personal property, such sum as the court may order, but no more than two dollars fifty cents per day, for a keeper, when necessarily employed.

(6) For taking a bond and undertaking, one dollar.

(7) For copies of writs or other papers, except summons, complaints, and subpoenas, per folio fifteen cents; *provided*, that when correct copies are furnished by him for use, no charge shall be made for such copies.

(8) For serving any writ, notice or order, except summons, complaint, or subpoena, for each person served, fifty cents.

(9) For writing and posting each notice of sale of property, fifty cents.

(10) For furnishing notice of publication, twenty-five cents.

(11) For serving subpoenas, each witness including copy, fifty cents.

(12) For collecting money on execution two and one-half per cent.

(13) For executing and delivering certificates of sale, fifty cents.

(14) For executing and delivering constable's deed, two dollars fifty cents.

(15) For each mile actually traveled within his county in the service of any civil suit, order, or paper, in going only, per mile twenty-five cents. No constructive mileage shall be allowed.

(16) For each mile necessarily traveled within his county, in executing a warrant of arrest, both in going to and returning from place of arrest, fifteen cents; and the actual cost of the transportation of the prisoners from the place of arrest to the justice court, and the necessary expense of assistance; *provided*, that for traveling in performance of two or more official services at the same time, including the service of criminal process, but one mileage shall be charged.

(17) For each mile necessarily traveled outside his county, in executing a warrant of arrest, both in going to and returning from the place of arrest, fifteen cents.

(18) For transporting prisoners to the county jail, from the justice's court or from the county jail to the justice court actual cost of transportation and assistance, and mileage at twenty-five cents per mile, one way. In conveying two or more prisoners, but one mileage shall be charged.

(19) For each day in which the constable is charged with the custody of a prisoner or prisoners, two dollars and fifty cents, and for the necessary expense of maintenance and assistance in keeping said prisoner.

(20) For summoning a jury in a civil case, twenty-five cents for each of the persons so summoned, and mileage at a rate of twenty-five cents per mile, going only.

(21) For attending court during the trial of a civil cause, per day, three dollars.

(22) For making sales of estrays in civil cases, the same fees as for sales of execution.

(23) For serving a writ of possession or restitution, putting a person in possession of the premises and removing the occupants therefrom, three dollars per day, and mileage at twenty-five cents per mile, going only.

(24) The mileage provided for herein shall be computed for the shortest practicable traveled route between the two points for which mileage is claimed.

18. The fees of grand jurors and trial jurors in the superior courts of said counties of the twentieth class, in civil and criminal cases shall be three dollars, in lawful money of the United States for each day's attendance, and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrant drawn by the county auditor upon the written order of the judge of the court in which said jurors was in attendance and the treasurer of said county shall pay said warrants. The board of supervisors of said county is hereby directed to make suitable appropriations for the payment of the fees herein provided for.

19. The fees of jurors in justice's courts in civil and criminal cases shall be two dollars in lawful money of the United States for each day's attendance and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending the court in going only; in criminal cases such fees and mileage of said trial jurors in the justice's courts shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said jury was in attendance and the treasurer of said county shall pay said warrants. The fees of jurors on coroner's juries shall be one dollar for each day's attendance, said fees to be paid out of the general fund of said county upon the presentation and filing with the board of supervisors of said county a duly verified claim therefor on proper allowance of said claim by said board of supervisors and the approval of the coroner of said county. The board of supervisors of said county is hereby directed to make suitable appropriations for the payment of the fees herein provided for.

20. All salaries of principals and deputies provided for in this article shall be paid out of the treasury of the county in monthly installments, and all fees shall be paid from the county treasury as other bills against the county are paid.

21. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be

Jurors.

Effect of act.

deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 457.

An act authorizing the board of control to sell and dispose of the buildings belonging to the state located on the capitol grounds and used by the division of printing of the department of finance.

[Approved June 21, 1923.]

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

Sale of
buildings
occupied by
printing
plant.

SECTION 1. The state board of control is hereby authorized and empowered to sell and dispose of, upon such conditions as to price and terms of sale as a majority of its members may deem to be most advantageous to the state, those certain buildings now housing the state printing plant located on the state capitol grounds at Fifteenth and L streets, in the city of Sacramento.

SEC. 2. All money received from the sale of such buildings shall be deposited in the general fund in the state treasury.

CHAPTER 458.

An act authorizing the filing of notices of liens for internal revenue taxes payable to the United States of America and the discharges thereof in the office of the county recorder, prescribing the manner of filing and indexing the same and fixing the compensation therefor.

[Approved June 22, 1923.]

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

Notices,
etc., may be
filed.

SECTION 1. Notices of liens for internal revenue taxes payable to the United States of America and certificates discharging such liens may be filed in the office of the county recorder of the county or counties within which the property subject to such lien is situated.

Indexing
and filing
notices.

SEC. 2. When a notice of such tax lien is filed the county recorder shall forthwith enter the same in an alphabetical federal lien tax index to be provided by the board of supervisors, showing on one line the name and residence of the taxpayer named in such notice, the collector's serial number of such notice, the date and hour of filing, and the amount of tax and penalty assessed. He shall file and keep all original notices so filed in numerical order in a file or files to be provided by the board of supervisors and designated federal tax lien notices.

Entry and
filing of
certificate of
discharge.

SEC. 3. When a certificate of discharge of any tax lien, issued by the collector of internal revenue or other proper

officer, is filed in the office of the county recorder where the original notice of lien is filed, said recorder shall enter the same with date of filing in said federal tax lien index on the line where the notice of the lien so discharged is entered, and permanently attach the original certificate of discharge to the original notice of lien.

Sec. 4. The county recorder shall receive no fee for filing and indexing each notice of lien and each certificate of discharge. No fee

Sec. 5. This act is passed for the purpose of authorizing the filing of notices of liens in accordance with the provisions of section three thousand one hundred eighty-six of the revised statutes of the United States, as amended by the act of March 4, 1913, 37 statutes at large, page 1016. Purpose of act

CHAPTER 459.

An act to amend section four thousand two hundred eighty-six of the Political Code, relating to counties of the fifty-seventh class, and salaries of officers thereof.

[Approved June 22, 1923.]

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

SECTION 1. Section four thousand two hundred eighty-six of the Political Code is hereby amended to read as follows:

4286. In counties of the fifty-seventh class the county and township officers shall respectively receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries and compensation, to-wit: Salaries and fees of officers.

1. The county clerk, one thousand two hundred dollars per annum. County clerk.

2. The sheriff, two thousand six hundred dollars per annum. Sheriff.

3. The recorder, six hundred dollars per annum. In counties of this class the recorder may appoint a copyist for service in his office, which office of copyist for the county recorder is hereby created, and said copyist shall receive as compensation for his services fifty per cent of the amount collected in said office during his period of service for filing and recording mining locations and affidavits of assessment work. Recorder.

4. The auditor, two hundred dollars per annum. Auditor.

5. The treasurer, one thousand five hundred dollars per annum. Treasurer.

6. The tax collector, five hundred dollars per annum. Tax collector.

7. The assessor, one thousand two hundred dollars per annum. Assessor.

8. The district attorney, one thousand five hundred dollars per annum. District attorney.

9. The coroner, such fees as are or may hereafter be allowed by law. Coroner.

10. The public administrator, such fees as are now or may be hereafter allowed by law. Public administrator.

Superintendent of schools.
Surveyor.

11. The superintendent of schools six hundred dollars per annum.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

Classification of townships.

13. For the purpose of regulating the compensation of justices of the peace and constables, townships of this class of counties are hereby classified according to their population, as shown by the total number of registered voters, in each township, at the next preceding general election, prior to the fixing of the classification, the said population to be determined by the supervisors by multiplying the said total number of registered voters by three; townships having a population of not more than one hundred shall belong to and be known as townships of the first class; townships having a population of not more than three hundred and not less than one hundred one shall belong to and be known as townships of the second class; townships having a population of not more than seven hundred fifty and not less than three hundred one shall belong to and be known as townships of the third class; townships having a population of not more than one thousand five hundred and not less than seven hundred fifty-one shall belong to and be known as townships of the fourth class; townships having a population in excess of one thousand five hundred shall belong to and be known as townships of the fifth class; *provided*, that the board of supervisors may, prior to any general election, consolidate two or more such townships into one.

Justices of the peace and coroners.

14. Justices of the peace and constables each of townships of the first class shall receive an annual salary of one hundred dollars to be paid in monthly installments as county officers are paid; justices of the peace and constables of townships of the second class shall each receive an annual salary of one hundred fifty dollars to be paid in monthly installments as county officers are paid; justices of the peace and constables in townships of the third class shall each receive an annual salary of two hundred dollars to be paid in monthly installments as county officers are paid; justices of the peace and constables in townships of the fourth class shall each receive an annual salary of three hundred dollars to be paid in monthly installments as county officers are paid; justices of the peace and constables in townships of the fifth class shall each receive an annual salary of four hundred dollars to be paid in monthly installments as county officers are paid. The salaries so received by justices of the peace and constables aforesaid shall be in full compensation for all services rendered by them. These salaries shall also apply to incumbents.

Supervisors.

15. Each member of the board of supervisors, fifty dollars per month, and thirty cents per mile one way to board meetings.

Jurors.

16. Jurors' fees in criminal cases shall be as follows: For attending as a grand juror or trial juror in the superior court, in criminal cases only, for each day's attendance, per day, three dollars; for each mile actually traveled in attending

court as such juror under summons or under order of court, in criminal cases, in going only, per mile, thirty cents, and the county clerk shall certify to the auditor the number of days' attendance and number of miles traveled by each juror, and the auditor shall draw his warrant therefor and the treasurer shall pay the same.

CHAPTER 460.

An act to provide for the compilation, printing, binding, publishing, and distribution of a legislative manual and state blue book, or roster, repealing all conflicting acts and making an appropriation to carry out the provisions hereof.

[Approved June 22, 1923, with the proviso that the item "fifteen thousand dollars" in section four be reduced to "ten thousand dollars."]

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

SECTION 1. The secretary of state is hereby authorized to compile, or cause to be compiled, published and distributed, under the direction of the state board of control, ten thousand copies of a legislative manual, state blue book or roster. The volume shall be ready to distribute during the next fiscal year, and at the same time biennially thereafter.

Secretary of state to compile blue book.

SEC. 2. The volume shall be distributed as follows: To the governor of the state, fifty copies; to each elective state officer, senator, and member of the assembly, twenty copies; to the state library twenty copies; to the governor and secretary of state of every state in the Union, one copy each; to the congressional library at Washington, D. C., five copies. The remainder of the volumes shall be sold by the secretary of state at two dollars per volume, and the amount so received shall be deposited to the credit of the general fund.

Distribution of same.

SEC. 3. All other acts and parts of acts in conflict with the provision of this act are hereby repealed.

Repealed.

SEC. 4. Out of any money in the state treasury not otherwise appropriated there is hereby appropriated the sum of fifteen thousand dollars, or so much thereof as may be necessary to carry out the purposes of this act.

Appropriation.

CHAPTER 461.

An act to amend section four thousand two hundred forty-four of the Political Code, relating to the salaries, fees and expenses of officers in counties of the fifteenth class.

[Approved June 22, 1923.]

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

SECTION 1. Section four thousand two hundred forty-four of the Political Code is hereby amended to read as follows:

4244. In counties of the fifteenth class the county officers shall receive as compensation for the services required of them

Salaries and fees of officers.

by law or by virtue of their offices the following salaries, fees and expenses, to wit:

County clerk.

1. The county clerk, two thousand eight hundred dollars per annum, and there shall be and there is hereby allowed to the county clerk, in addition, one deputy who shall be paid the sum of one thousand eight hundred dollars per annum, and one deputy who shall be paid the sum of one thousand eight hundred dollars per annum, and one deputy who shall be paid the sum of one thousand five hundred dollars per annum and one deputy who shall be paid the sum of one thousand two hundred dollars per annum; the said salaries to be paid by such county in monthly installments at the time and in the manner and out of the same fund as the salaries of the county officers are paid; *and provided, further*, that in each year in which a new and complete registration of voters is required by law, said county clerk shall appoint an additional deputy or deputies, who shall receive the sum of seven and one-half cents per name for taking affidavits of registration, and claims for their service at said rate shall be presented to and allowed by the board of supervisors as other claims are presented and allowed; *and provided, further*, that all fees and commissions received by this office shall be turned over to the county and become the property of the county.

Sheriff.

2. The sheriff, three thousand three hundred dollars per annum, and all commissions, fees and mileage for the service of papers or process coming from courts other than those of his own county; *provided*, that in counties of this class there shall be and is hereby allowed to the sheriff, one under sheriff whose salary is hereby fixed at the sum of one thousand eight hundred dollars per annum, and one deputy who shall be jailer, whose salary is hereby fixed at the sum of one thousand eight hundred dollars per annum; and one deputy who shall be finger print expert, whose salary is hereby fixed at the sum of one thousand eight hundred dollars per annum; and one deputy whose salary is hereby fixed at the sum of one thousand six hundred dollars per annum; and one deputy whose salary is hereby fixed at the sum of one thousand two hundred dollars per annum; and one matron, which office is hereby created, whose salary is hereby fixed at three dollars for each and every day in which there are women prisoners confined in the jail; said deputies and matron to be appointed by the sheriff and their salaries to be paid by the county in equal monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid.

Recorder.

3. The recorder, two thousand eight hundred dollars per annum; and one deputy, whose office is hereby expressly created, to be appointed by the recorder who shall receive a salary of one thousand eight hundred dollars per annum, and one deputy at a salary of one thousand two hundred dollars per annum, payable in monthly installments; *and provided, further*, that the recorder is hereby allowed as many copyists as may be required, who shall receive as compensation the sum of four cents per folio for recording any instrument or notice. The

salaries of the deputy recorder and copyists herein provided shall be paid by the county in monthly installments, at the same time and in the same manner and out of the same fund as the salaries of county officers are paid. All fees and commissions received by this office shall be turned over to the county and become the property of the county.

4. The auditor, two thousand eight hundred dollars per annum; and there shall be and there is hereby allowed to the auditor in addition one chief deputy to be appointed by the auditor who shall be paid a salary of two thousand one hundred dollars per annum, and one deputy who shall be appointed by the auditor who shall be paid a salary of one thousand three hundred dollars per annum, and one deputy who shall be appointed by the auditor who shall be paid a salary of one thousand dollars per annum, and such additional clerks and assistants as the auditor may require, and whose compensation in the aggregate shall not exceed six hundred dollars in any one year; *and provided*, that the auditor shall file with the county clerk a verified statement showing in full detail the amount paid, and the persons to whom said compensation is paid for such extra assistants aforesaid. The salaries herein provided shall be paid by the county in monthly installments at the same time and out of the same fund as the salaries of county officers are paid. Auditor.

5. The treasurer, two thousand eight hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the treasurer, one deputy, to be appointed by him, who shall receive from the county a salary of one thousand eight hundred dollars per annum, to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salaries of county officers are paid. All fees and commissions received by the treasurer shall be turned over to the county and become the property of the county. Treasurer.

6. The tax collector, two thousand eight hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the tax collector the following deputies and assistants, whose offices are hereby created and who shall be appointed by the tax collector; one deputy at a salary of one thousand eight hundred dollars per annum; and such assistants as the tax collector may require; *provided*, that the compensation of such assistants shall not, in the aggregate exceed the sum of two thousand four hundred dollars in any one year; *and provided*, that the tax collector shall file with the county auditor a verified statement showing in detail, the amounts and the persons to whom said compensation is paid; the salaries of the said deputy and other assistants shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salaries of the county officers are paid. Tax collector.

7. The assessor, two thousand eight hundred dollars per annum, and his actual traveling expenses when away from his office on county business; *provided*, that in counties of this Assessor.

class there shall be and there is hereby allowed to the assessor the following deputies and assistants, whose offices are hereby created and who shall be appointed by the assessor; one deputy at a salary of one thousand eight hundred dollars per annum, one stenographer at a salary of one thousand two hundred dollars per annum; one stenographer at a salary of one thousand dollars per annum, and one stenographer at a salary of nine hundred dollars per annum and such other deputies as the assessor may require, and whose compensation in the aggregate shall not exceed the sum of ten thousand dollars in any one year; *and provided*, that the assessor shall file with the county auditor a verified statement showing in detail the amounts, and the persons to whom said compensation is paid. The salaries of such deputies and stenographers shall be paid by said county in monthly installments and at the same time and in the same manner and out of the same fund that county officers are paid. All fees and commissions, including poll tax, collected by this office shall be turned over to the county and become the property of the county.

Coroner.

8. The coroner, such fees as are now, or may hereafter be allowed by law.

Public administrator.

9. The public administrator, such fees as are now, or may hereafter be allowed by law.

District attorney.

10. The district attorney two thousand eight hundred dollars per annum, and actual traveling expenses when away from his office on county business; *provided*, that in counties of this class there shall be and there is hereby allowed to the district attorney, one deputy to be appointed by the district attorney who shall be paid the salary of two thousand one hundred dollars per annum, which deputy shall devote his entire time to the duties of his office; and one deputy to reside at Blythe or vicinity who shall be paid a salary of five hundred dollars per annum; *provided, however*, that should a second department of the superior court be established by this legislature, that, in that event, the district attorney shall not be permitted to appoint a deputy at a compensation of two thousand one hundred dollars per annum, but shall be entitled to appoint two deputies at one thousand two hundred dollars per annum each; *and provided, further*, that a stenographer be appointed by the district attorney to be paid a salary of one thousand two hundred dollars per annum. Said deputies and stenographer shall be paid out of the county treasury in monthly installments in the same manner and out of the same fund as county officers are paid.

Superintendent of schools.

11. The superintendent of schools two thousand eight hundred dollars per annum: his office shall be kept open on all business days from nine a.m. to five p.m., he shall be allowed his actual traveling expenses when visiting the schools of the county; *provided*, that in counties of this class there shall be and there hereby is allowed to the superintendent of schools, one deputy to be appointed by him who shall receive from the county a salary of one thousand eight hundred dol-

lars per annum; *and provided, further*, that in counties of this class the superintendent of schools shall be allowed not to exceed the sum of three hundred dollars per annum for necessary work of a stenographer. Said deputy and stenographer shall be paid by said county in monthly installments in the same manner and out of the same fund as the salaries of county officers are paid.

12. The surveyor, two thousand eight hundred dollars per annum, and in addition thereto, all necessary field assistants; *provided*, that in counties of this class there shall be and there hereby is allowed the surveyor, two deputies who shall be appointed by the surveyor of said county, and who shall be paid salaries as follows: One deputy at a salary of one thousand six hundred dollars per annum and one deputy at one thousand one hundred dollars per annum. The salaries of said deputies herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salaries of county officers are paid. All necessary expenses for field assistants shall be paid by the county, and the actual cost of preparing assessor's maps, whenever a complete set of such maps is ordered prepared by the board of supervisors, said cost of preparing said assessor's maps not to exceed the sum of one thousand eight hundred dollars. Surveyor.

13. From and after the first Monday after the first day of January, one thousand nine hundred fifteen, the officers of townships in counties of this class shall be one justice of the peace and one constable, anything in the provisions of section four thousand and fourteen of this code to the contrary notwithstanding. Township officers.

14. The justice of the peace in townships having a city or a portion thereof, situated therein and having a population of twelve thousand or more, one thousand five hundred dollars per annum, payable in monthly installments, which shall be in full for all services rendered by him in both civil and criminal cases tried before him, and he shall each month pay to the county treasurer all fines, commissions and fees collected by him as such justice of the peace, including fees for celebrating marriages and returning certificates thereof to the county recorder; *and provided, further*, that the board of supervisors of counties of the fifteenth class shall furnish each justice of the peace in townships having a population of twelve thousand or more, with a suitable office in which to hold court and also furnish the necessary furniture, books, blanks and supplies for said court; *and provided, further*, that in townships having a population of twelve thousand or more there shall be and there is hereby allowed to the justice of the peace, one clerk which office is hereby created who shall be appointed by the justice of the peace of said township, subject to the approval of the board of supervisors of the county, and whose salary is hereby fixed at the sum of nine hundred dollars per annum, payable in equal monthly installments out of the same fund and in the same manner and at the same time as the Justice of the peace, township having population of 12,000 or more.
Clerk.

salary of the justice of the peace is paid. Said clerk shall take the oath of office prescribed for county officers and give a bond in the sum of one thousand dollars conditioned for the faithful discharge of the duties of his office, which bond shall be approved and filed in the same manner as are bonds of county officers. He shall keep a record of the proceedings of said court and issue all processes ordered by the justice of said court and receive and pay into the county treasury all fines, forfeitures and fees paid into said court. He shall render each month to the county auditor and the county treasurer, an exact account under oath of all fines, forfeitures and fees paid and collected and he shall prepare bonds, and justified bail when the amount has been fixed by the court or justice, and may administer and certify oaths and shall remain in the court room of said court during court hours and during such other reasonable times as may be necessary for the proper performance of his duty. He shall have the custody of all records and papers of said court. In townships having a population of six thousand and less than twelve thousand the justice of the peace therein shall receive seventy-five dollars per month; in townships having a population of four thousand and less than six thousand, thirty-five dollars per month; in townships having a population of one thousand five hundred and less than four thousand, twenty-five dollars per month; in townships having a population of one thousand and less than one thousand five hundred, fifteen dollars per month, and in all other townships in said county, ten dollars per month; *provided, however*, that in all townships having an area equal to or exceeding one thousand square miles such salary shall not be less than fifty dollars per month. Each justice of the peace must pay into the county treasury once each month all fines collected by him in criminal cases and the auditor shall withhold a warrant for salary until a sworn statement has been filed with him of all criminal cases tried and fines collected and paid into the county treasury. All provisions of this paragraph to apply to present incumbents.

Justices
of the peace
in other
townships.

Constables.

15. Constables in townships, having one or more cities, or portions thereof situated therein, and having a population of twelve thousand or more, one thousand five hundred dollars per annum, payable in monthly installments, and their actual traveling expenses when engaged in official business outside of such townships, which shall be in full for all services rendered by them in all civil and criminal business. They shall charge and collect such fees as are allowed by law, and they shall each month pay into the county treasury all fees, forfeitures, fines, and commissions collected by them in the discharge of their duties as such constables. In townships having a population of six thousand and less than twelve thousand the constable shall receive fifty dollars per month; in townships having a population of four thousand and less than six thousand, twenty-five dollars per month; in townships having a population of one thousand five hundred and less than four

thousand, twenty dollars per month; and in all other townships in said county ten dollars per month; *provided*, that in all townships having an area equal to or exceeding one thousand square miles such salary shall not be less than fifty dollars per month; *provided, further*, that in addition to the salaries herein allowed, each constable except constables in townships having a city or portion thereof situated therein, and having a population of twelve thousand or more shall receive for their own use in civil cases the fees allowed by law, and shall be paid out of the treasury of the county his actual traveling expenses outside of his own township, but within his county, for the service of the warrant of arrest or any other paper in a criminal case, both going and returning, ten cents per mile; for each mile actually traveled outside of his county both going and returning from the place of arrest or other service, five cents per mile; and for transporting prisoners to the county jail, the actual cost of transportation.

16. The population of several judicial townships for the purpose of fixing compensation of township officers shall be ascertained and declared by the board of supervisors on the first Monday after the first day of January, every odd numbered year.

Population
of
Townships.

17. Each supervisor one thousand five hundred dollars per annum, payable in monthly installments, and fifteen cents per mile one way for traveling expenses from his residence to the place of meeting of the board at the county seat, for not more than four board meetings per month, and the necessary actual expenses incurred by him while engaged in county business outside of his district, not exceeding in the aggregate the sum of three hundred dollars per annum.

Supervisors.

18. The county traffic officer, two thousand one hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the county traffic officer two deputies, which offices are hereby created. Said deputies shall be appointed by said county traffic officer and shall receive a salary of two thousand one hundred dollars per annum each, which shall be paid by said county in monthly installments at the same time, in the same manner and out of the same funds as the salary of the county traffic officer is paid. Said traffic officer and his said deputies shall provide their own motorcycles or other vehicles; *provided, further*, that said county shall furnish oil and gasoline for the purpose of propelling the same and shall pay all of the expense of the upkeep of said machines and shall allow said traffic officer and his said deputies expenses for meals incurred while away from the county seat in discharge of their duty. All the provisions of this paragraph are to apply to the office of county traffic officer and his deputies whenever said office of county traffic officer is created by law.

Traffic
officer.

19. Whenever the work of an office has not been brought down to date by the retiring officer and the present incumbent shall present to the board of supervisors a signed sworn

Additional
help to
bring work
down to
date.

statement setting forth explicitly, and in detail the work so lacking and which was in that condition when he was inducted into office, and provided the county auditor shall also certify to the public necessity of the work, the board of supervisors shall investigate such condition and may, if they, by resolution, certify that the public necessity demands it before the new incumbent can make up such work, employ additional help and provide for compensation for such time as such work consumes, at a rate not to exceed eighty dollars per month for each person so employed.

Additional help to handle extra work.

20. Whenever the board of supervisors shall by resolution certify that the public convenience and necessity requires prompt dispatch of business, not possible by the normal office help of any county office they may appoint such additional help as they deem necessary until said extra work is completed; and they shall fix the compensation thereof, and the rate therefor per month for each person so employed, and they may designate that such extra help shall work part of the time in one office and part of the time in another office. This shall not be construed to provide for permanent positions in any office to care for work which the law now may impose on such county office, but shall only be exercised as a temporary measure to expedite the public business in a reasonable and businesslike manner for the purposes and under the conditions named.

Effect of act.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 462.

An act to amend section four thousand two hundred forty-three of the Political Code, relating to the salaries of county and township officers and their deputies in counties of the fourteenth class, and fixing their mileage and per diem of grand and trial jurors in such counties.

[Approved June 22, 1923.]

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

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

Salaries and fees of officers.

4243. In counties of the fourteenth class the county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

County clerk.

1. The county clerk, two thousand seven hundred dollars per annum and such fees as are allowed by law; *provided*, that

he shall appoint one chief deputy at a salary of one thousand eight hundred dollars per annum, two courtroom deputies at a salary of one thousand five hundred dollars per annum each, two office deputies at one thousand five hundred dollars per annum each, and one copyist at a salary of one thousand two hundred dollars per annum, whose duty it shall be to act as copyist for the county clerk as such, as well as for the clerk as ex officio clerk of the board of supervisors and do copying work when required by the board of supervisors; and deputy clerks not to exceed three in number for the purpose of registering electors in the office of the county clerk, to be paid at not to exceed seventy-five dollars per month each; *provided*, that such deputies so employed for registering electors shall not be employed except during a year when a general election is held throughout the state and said deputies shall be employed only between the first day of January and the first day of December of such years; one or more deputies for the purpose of registering electors in said years, who shall receive a compensation of ten cents for each elector legally registered by them, and shall receive no other compensation or expenses. Each of said deputies to be paid at the same time and in the same manner as county officers are paid.

2. The sheriff, two thousand five hundred dollars per annum; *provided*, he shall appoint one under sheriff at a salary of two thousand four hundred dollars per annum and four deputy sheriffs at a salary of one thousand eight hundred dollars per annum each; one deputy sheriff at a salary of one thousand eight hundred dollars per annum; one deputy sheriff to be paid only for six months of each year at a salary of one hundred twenty-five dollars per month; and a person to act as matron of the county jail at a salary of one hundred dollars per month. Said under sheriff and each of said deputies and assistants shall be paid at the same time and in the same manner as county officers are paid. The sheriff shall also receive such fees as are allowed sheriffs by section four thousand three hundred *b* of the Political Code of the State of California, except that for traveling in the service of any paper required by law to be served, in either civil or criminal process or proceeding for each mile actually and necessarily traveled, one way only, twenty cents. No constructive mileage to be allowed.

3. The recorder, two thousand seven hundred dollars per annum; *provided*, that the recorder shall appoint one chief deputy at a salary of one thousand eight hundred dollars per annum, one deputy at a salary of one thousand five hundred dollars, four copyists at a salary of one thousand eighty dollars each per annum, to be paid at the same time and in the same manner as county officers are paid.

4. The auditor, two thousand seven hundred dollars per annum; *provided*, that the expenses incurred, if any, in making extensions of assessments and tax rolls shall be paid out of said sum of two thousand seven hundred dollars,

compensation above mentioned; *and provided, further*, that said auditor shall appoint one deputy at a salary of one thousand eight hundred dollars per annum; one deputy at a salary of one thousand two hundred dollars per annum, and two copyists at a salary of one thousand eighty dollars per annum each, to be paid at the same time and in the same manner as county officers are paid.

Treasurer.

5. The treasurer, two thousand five hundred eighty dollars per annum, and such fees as are now or may hereafter be allowed by law; *provided*, that the treasurer shall appoint one deputy at a salary of one thousand five hundred dollars per annum, to be paid at the same time and in the same manner as county officers are paid.

Tax collector.

6. The tax collector, three thousand dollars per annum; *provided*, that said tax collector shall appoint one revenue and taxation deputy at a salary of one thousand eight hundred dollars per annum; *and provided, further*, that he shall appoint one stenographer to be paid only between July first and January first of each year, at a salary of one hundred dollars per month; *and provided, further*, that he shall be allowed additional help to be employed by him when needed, at an expense of not to exceed the sum of one thousand two hundred dollars in any one year, to be paid at the same time and in the same manner as county officers are paid.

Assessor.

7. The assessor, three thousand dollars per annum; *provided*, that the assessor shall appoint one assistant assessor at a salary of two thousand dollars per annum, one chief deputy at a salary of one thousand eight hundred dollars per annum and one title transfer deputy at a salary of one thousand three hundred twenty dollars per annum, one draftsman at a salary of one thousand three hundred twenty dollars per annum, one property ownership deputy at a salary of one thousand three hundred twenty dollars per annum, and one office deputy at a salary of one thousand three hundred twenty dollars per annum. The salaries of which deputies shall be paid in the same manner and at the same time and from the same funds as county officers are paid. The assessor may also appoint as many deputies as may be necessary to carry on his work at an expense to the county not to exceed four thousand dollars during any fiscal year. The salaries of which last named deputies shall be paid at the same time and in the same manner and from the same fund as the assessor is paid. The amount of each of which payments shall be determined by the auditor from a certificate furnished by the assessor showing the person and amount to which payments are due and the period of time for which compensation is made, or, the salaries of said deputies may be paid by claim presented to the board of supervisors in regular form and approved by the assessor, the total amount of which claims, however, shall not exceed the sum of four thousand dollars above mentioned, for any one fiscal year. The assessor shall also receive six per cent of the personal property tax collected

by him and the amount allowed by law for making out the military roll.

8. The district attorney, three thousand dollars per annum; *provided*, that he shall appoint one assistant district attorney at a salary of two thousand four hundred dollars per annum, and one deputy district attorney at a salary of one thousand eight hundred dollars per annum, and one stenographer at a salary of one thousand two hundred dollars per annum; said assistant, deputy and stenographer to be paid at the same time and in the same manner as county officers are paid. District attorney.

9. The coroner, such fees as are now or may be hereafter allowed by law; *provided*, that the coroner shall appoint one stenographer at a salary of six hundred dollars per annum, to be paid at the same time and in the same manner as county officers are paid. Coroner.

10. The public administrator, such fees as are now or may be hereafter allowed by law. Public administrator.

11. The superintendent of schools, three thousand dollars per annum, and actual traveling expenses when visiting schools of his county; *provided*, such superintendent of schools may appoint an assistant superintendent of schools at a salary of one thousand eight hundred dollars per annum, one deputy at a salary of one thousand two hundred dollars per annum, and one deputy at a salary of one thousand two hundred dollars per annum, payable at the same time and in the same manner as county officers are paid. Supt. of schools.

12. The surveyor, one thousand eight hundred dollars per annum for all work performed for the county, and in addition thereto all necessary and actual traveling expenses incurred in connection with field work, and all fees allowed by law; *provided*, that out of the compensation hereinabove provided he shall pay the cost of platting, tracing or otherwise preparing maps, plats or block-books for the use of the county assessor; *provided, further*, that all property ownership books, data, and transcript records required for making such maps, plats, or block-books shall be procured at the expense of the county in such manner and by such persons as the board of supervisors may direct; *and provided, further*, that the fees for land surveys, except when done for the county, shall be ten dollars per day, or fraction thereof, and in addition thereto all necessary and actual traveling expenses. And it shall be the duty of the county surveyor to prepare and furnish all necessary plans and specifications for all bridges and bridge work, in addition to his other duties, without extra compensation. He shall appoint a deputy at a salary of one thousand dollars per annum, payable at the same time and in the same manner as county officers are paid; *provided, however*, that in cases of emergency additional help may be furnished the county surveyor by the board of supervisors at a compensation to be fixed by the board. Surveyor.

13. The justices of the peace, the following monthly salaries, to be paid each month as the salaries of county officers are paid, Justices of the peace.

which shall be in full for all services rendered by them in criminal cases.

In townships having a population of fifteen thousand or more, two hundred dollars per month;

In townships having a population of over eight thousand and less than fifteen thousand, one hundred fifteen dollars per month;

In townships having a population of six thousand and less than eight thousand, seventy-five dollars per month;

In townships having a population of four thousand and less than six thousand, fifty-five dollars per month;

In townships having a population of two thousand and less than four thousand, forty dollars per month;

In townships having a population of one thousand and less than two thousand, thirty dollars per month;

In townships having a population of less than one thousand, twenty dollars per month;

In townships having a population of less than nine hundred, fifteen dollars per month.

Each justice of the peace must pay into the county treasury once a month all fines collected by him; *and provided, further*, that for the purposes of this subdivision the population of the several townships shall be ascertained from the United States census reports of 1920.

Constables.

14. In townships having a population of fifteen thousand or more, constables shall receive as compensation in lieu of all fees in criminal cases, the sum of one hundred twenty-five dollars per month; in townships having a population of eight thousand and less than fifteen thousand, the sum of eighty-five dollars per month; in townships having a population of six thousand and less than eight thousand, the sum of fifty dollars per month; in townships having a population of four thousand and less than six thousand, twenty-five dollars per month; in townships having a population of one thousand five hundred and less than four thousand, fifteen dollars per month; in townships having a population of one thousand and less than one thousand five hundred, ten dollars per month; in townships having a population of less than one thousand, five dollars per month; *provided*, that in addition to the fees and salaries herein allowed, each constable shall receive for traveling expenses outside of his own township, but within his own county, for the service of a civil or criminal process, the sum of fifteen cents per mile for each mile actually and necessarily traveled, one way only, no constructive mileage to be allowed; *and provided, further*, that such salaries for services in criminal cases shall be paid at the same time and in the same manner as the salaries of county officers are paid; *and provided, further*, that in addition to the salaries provided herein, constables in all townships shall receive for their own use the fees which are now or may hereafter be allowed by law in civil cases; *and provided, further*, that for the purposes of this subdivision, the population of the several townships shall be ascertained from the United States census report of 1920.

15. Each member of the board of supervisors for all ^{Supervisors.} services required of them by law, or by virtue of their office, except as road commissioners, shall be allowed one thousand two hundred dollars per annum as a salary, and fifteen cents per mile in traveling to and from his place of residence to the courthouse; *provided*, that only one mileage must be allowed at each term; *and provided, further*, that said salary and mileage shall be in lieu of all fees otherwise provided by law for supervisors. Each supervisor shall receive for services as road commissioner, thirty cents per mile one way for all distances actually traveled by him in the performance of his duties; *provided*, that he shall not in any one year receive more than six hundred dollars as such road commissioner; *provided*, that no member of the board of supervisors or other county officer, shall, except for his own services or expenses, present or verify by his oath attached thereto, any claim, account, or demand for allowance against the county.

16. All salaries herein not otherwise provided for shall be ^{Monthly payments.} paid out of the treasury of said county in equal monthly payments on the last day of each month.

17. The fees for jurors in counties of this class shall be as ^{Jurors.} follows: For attending as a grand juror or juror in the superior court, for each day's attendance, while serving as such juror, per day, three dollars; for each day's attendance when not selected to serve, two dollars. For attending justice's court, for each juror sworn to try the cause, per day, in civil cases, only, one dollar and fifty cents. A juror excused at his own request shall not be entitled to a per diem fee. For each mile actually and necessarily traveled in attending court as a juror, except in criminal cases in justice's court, for which no allowance shall be made, in going only, per mile, fifteen cents.

CHAPTER 463.

An act to amend section four thousand two hundred seventy of the Political Code, relating to salaries, fees and compensation of officers in counties of the forty-first class.

[Approved June 22, 1923.]

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

SECTION 1. Section four thousand two hundred seventy of the Political Code is hereby amended to read as follows:

4270. In counties of the forty-first class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following compensation and salaries, to wit: ^{Salaries and fees of officers.}

1. County clerk, two thousand four hundred dollars per annum, and in counties of this class there shall be one deputy clerk who shall be appointed by the county clerk, and who shall receive a salary of one thousand eight hundred dollars per annum, payable out of the treasury of said county at the ^{County clerk.}

same time and in the same manner as the salaries of county officers are paid.

Sheriff. 2. Sheriff, three thousand dollars per annum and actual traveling expenses in the pursuit or arrest of criminals, either in or out of his county; *provided*, that in counties of this class there shall be one deputy sheriff who shall be appointed by the sheriff, and who shall receive a salary of one thousand eight hundred dollars, payable out of the treasury of said county at the same time and in the same manner as the salaries of county officers are paid.

Recorder. 3. Recorder, two thousand dollars per annum, and in counties of this class there shall be one chief deputy recorder who shall be appointed by the recorder and who shall receive a salary of one thousand five hundred dollars per annum, and two deputy recorders who shall be appointed by the recorder and who shall receive a salary of one thousand two hundred dollars per annum, such salaries to be paid out of the treasury of said county at the same time and in the same manner as the salaries of county officers are paid.

Auditor. 4. Auditor, one thousand dollars per annum.

Treasurer. 5. Treasurer, two thousand two hundred dollars per annum and in counties of this class said treasurer may appoint clerical assistants, as may be necessary for the transaction of the business of his office, whose salaries shall not in any one fiscal year exceed the sum of one thousand five hundred dollars. Said salaries to be paid upon verified claims filed with the board of supervisors.

Tax collector. 6. Tax collector, eight hundred dollars per annum, and in counties of this class there shall be one deputy tax collector, who shall be appointed by the tax collector, and who shall receive a salary of one thousand eight hundred dollars per annum, said salary to be paid at the same time and in the same manner as the salaries of county officers are paid.

Assessor. 7. Assessor, three thousand dollars per annum, and in counties of this class there shall be one chief deputy assessor, who shall be appointed by the assessor, who shall receive a salary of one thousand eight hundred dollars per annum, and the assessor may appoint such other deputies, as may be necessary for the proper discharge of the duties of his office, whose compensation shall not for any one fiscal year exceed the sum of one thousand five hundred dollars. The salary of said chief deputy assessor shall be paid in the same manner and at the same time as the salaries of county officers are paid, and the salaries of such other deputies, as said assessor shall appoint, shall be paid upon presentation of verified claims therefor to the board of supervisors.

District attorney. 8. District attorney, two thousand four hundred dollars per annum and in counties of this class the district attorney shall appoint a clerk or stenographer who shall receive a salary of one thousand two hundred dollars per annum, said salaries to be paid at the same time and in the same manner as the salaries of county officers are paid.

9. Coroner, five hundred dollars per annum and the actual traveling and other expenses that he incurs while discharging the duties of his office. Coroner.

10. Public administrator, such fees as are now or may be hereafter allowed by law. Public administrator.

11. Surveyor, two thousand one hundred dollars per annum and his actual traveling and other expenses while engaged in the performance of the duties of his office and while on the business of the county by order of the board of supervisors; *and provided*, that whenever the board of supervisors shall direct the surveyor to perform engineering or surveying work for said county he may with the consent of the board of supervisors, appoint such office and field assistants as shall be necessary for the performance of said work. Surveyor.

12. Superintendent of schools, two thousand four hundred dollars per annum and his actual traveling expenses in visiting the schools of his county; *provided*, that in counties of this class there shall be one deputy superintendent of schools who shall be appointed by the superintendent of schools, and who shall receive a salary of one thousand two hundred dollars per annum, payable in the same manner and at the same time as the salaries of county officers are paid. Superintendent of schools.

13. Supervisor. Each supervisor shall receive one hundred dollars per month and his actual expenses when attending to the business of the county by the order of the board and mileage at the rate of twenty cents per mile, one way, for traveling from his residence to the county seat to attend the meetings of the board, and mileage at the rate of twenty cents per mile, one way, for all actual distances traveled by him in the performance of his duties as road commissioner. Mileage shall be paid for each time said board of supervisors shall meet in separate session. Supervisors.

14. The county traffic officer, one thousand eight hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the county traffic officer one deputy, which office is hereby created. Such deputy shall be appointed by the county traffic officer and shall receive a salary of one thousand six hundred twenty dollars per annum, which shall be paid by the county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the county traffic officer is paid. Said county shall provide motorcycles or other vehicles and gasoline and oil for the purpose of propelling the same for said traffic officer and his deputy and shall pay all of the expense of the upkeep of said machines. All the provisions of this paragraph are to apply to the office of county traffic officer and his deputy whenever said office of county traffic officer is created by law. Traffic officer.

15. Classification of townships. In counties of this class the township officers shall receive the following compensation. For the purpose of fixing compensation of justices of the peace and constables according to their duties townships in counties of this class are hereby classified according to their Classification of townships.

population as follows: Townships having a population of eight thousand or more shall belong to and be known as townships of the first class; townships having a population of two thousand five hundred or more and less than eight thousand shall be known as townships of the second class; and townships having a population of less than two thousand five hundred shall belong to and be known as townships of the third class.

Justices
of the peace.

16. Justices of the peace. Justices of the peace shall receive the following salaries: In townships of the first class, one hundred dollars per month; in townships of the second class, forty dollars per month; and in townships of the third class, twenty dollars per month. Such salaries shall be paid in the same manner and out of the same fund as salaries of county officers are paid, and shall be compensation in full for all services rendered. All fees received by justices of the peace shall be paid into the county treasury every month.

Constables.

17. Constables. Constables shall receive the following salaries: In townships of the first class one hundred dollars per month; in townships of the second class forty dollars per month; and in townships of the third class twenty dollars per month; and also actual traveling and other necessary expenses incurred in the pursuit and arrest of criminals and investigation of criminal offenses; and *provided*, that said constables shall be entitled to retain for their own use the mileage fee in civil cases, and all other fees received by them shall be paid into the county treasury every month.

Population
of
townships.

18. Population of townships. For the purpose of section concerning the population of townships, the population shall be ascertained by the United States census taken in the year 1920.

Jurors.

19. Jurors. Grand jurors and jurors in the superior court shall receive for each day's attendance three dollars; for each mile actually traveled in attending court as a juror, one way, twenty-five cents. Mileage shall be paid for each time a regularly empanelled jury or grand jury shall be called in separate session.

Librarian.

20. Librarian. The librarian, two thousand dollars per annum; and *provided*, said librarian may appoint such assistants as shall be necessary for the expeditious transaction of the duties of her office, and the compensation of said assistants shall be paid out of the county library fund and upon the filing of a verified claim or claims therefor, and shall not exceed in any one fiscal year the sum of five thousand dollars.

Change
from fee to
salary.

21. That wherever in this act the salary of a county officer is changed from a fee basis or a fee and salary basis to a flat salary only, it is hereby found that such change does not effect or constitute an increase in the salary of such officer.

Effect on
incumbents.

22. The provisions of this act are intended to apply to, and effect incumbents, except in so far as such provisions constitute, an increase in salary of such incumbent.

23. Any salary, compensation or fee provided by law to be paid to any county officer as officers or ex officio officers of levee district number one in said county of Sutter, shall be retained by such officer for his own use and not be paid into the county treasury.

Officers
of levee dis-
trict No. 1.

CHAPTER 464.

An act to provide for the prevention of forest fires in the San Antonio canyon in the San Gabriel mountains, California, and to make an appropriation therefor.

[Approved June 22, 1923.]

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

SECTION 1. Out of any money in the state treasury not otherwise appropriated, there is hereby appropriated the sum of five thousand dollars during the seventy-fifth and seventy-sixth fiscal years, which money shall be used and expended for the purpose of preventing forest fires, and the construction and maintenance of fire trails and fire breaks in the San Antonio canyon in the San Gabriel mountains, California, and the canyons adjacent thereto.

Appropriation
prevention
of
forest fires
in San
Antonio
canyon, etc.

SEC. 2. The state board of control is hereby authorized and empowered to enter into a contract or contracts with the San Antonio Fruit Exchange, a corporation organized and existing under and by virtue of the laws of the State of California, for the purpose of protecting San Antonio canyon from devastation by fire; *provided, however*, that the expenditures for such purposes shall not be in excess of the amount expended by the said San Antonio Fruit Exchange, the San Antonio Water Company, and the counties of San Bernardino and Los Angeles, in collaboration with the specific work named above; *provided, further*, that in the event that the said San Antonio Fruit Exchange, San Antonio Water Company, the county of San Bernardino or the county of Los Angeles do not contribute an amount equal to the appropriation hereby made for the purposes hereinbefore specified, the state board of control shall not have power to enter into such contract or contracts with the said San Antonio Fruit Exchange for such expenditure of said money.

Contracts
with San
Antonio
fruit
exchange.

Condition
precedent.

CHAPTER 465.

An act to provide for the prevention of forest fires in the Big Dalton and Little Dalton water sheds between San Dimas and San Gabriel canyons in the San Gabriel mountains and to make an appropriation therefor.

[Approved June 22, 1923.]

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

SECTION 1. Out of any money in the state treasury not otherwise appropriated there is hereby appropriated the sum of three thousand dollars during the seventy-fifth and seventy-

Appropriation;
prevention
of
forest fires
in Dalton
watersheds,
etc.

sixth fiscal years, which money shall be used and expended for the purpose of preventing forest fires and the construction and maintenance of fire trails and fire breaks in the Big Dalton water shed and the Little Dalton water shed between San Dimas and San Gabriel canyons in the San Gabriel mountains, California, and the canyons adjacent thereto.

Contracts
with
Glendora
fruit
exchange.

Condition
precedent.

SEC. 2. The state board of control is hereby authorized and empowered to enter into a contract or contracts with the Glendora fruit exchange, a corporation organized and existing under and by virtue of the laws of the State of California, for the purpose of protecting the Big-Dalton water shed and Little Dalton water shed from devastation by fire; *provided, however*, that the money herein appropriated to be expended annually shall not become available until there shall have been deposited in the state treasury for this purpose and amount equal thereto by the Glendora fruit exchange, the county of Los Angeles or by any other individual or corporation or by any or all of them. The moneys provided under section one hereof shall be expended under the direction of the state forester.

CHAPTER 466.

An act to amend section four thousand two hundred forty-six of the Political Code, relating to the salaries, fees and expenses of officers in counties in the seventeenth class.

[Approved June 22, 1923.]

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

SECTION 1. Section four thousand two hundred forty-six of the Political Code is hereby amended to read as follows:

Salaries
and fees of
officers.

4246. In counties of the seventeenth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

County
clerk.

1. County clerk, two thousand four hundred dollars per annum; *provided*, that in counties of this class there shall be, and there hereby is, allowed to the county clerk, one chief deputy who shall receive a salary of one thousand eight hundred dollars per annum, one deputy who shall receive a salary of one thousand five hundred dollars per annum, and one deputy who shall receive a salary of one thousand five hundred dollars per annum, and one deputy, who shall receive a salary of one thousand five hundred dollars per annum, and in each year in which a new and complete registration of voters is required by law, he shall appoint as many deputy registration clerks as may be necessary for the convenient registration of the voters of the county, which deputy registration clerks shall receive as compensation for their services a sum of ten cents per name for each and every voter registered by them, and also one additional deputy to compile the great register,

and for mailing sample ballots, at a compensation not to exceed two hundred fifty dollars for each such registration year.

2. Sheriff, three thousand dollars per annum; *provided*,^{Sheriff.} that in counties of this class, there shall be, and hereby is, allowed to the sheriff, one undersheriff, whose salary is hereby fixed in the sum of two thousand four hundred dollars per annum, one chief deputy who shall receive a salary of one thousand eight hundred dollars per annum, one deputy, who shall be jailer, who shall receive a salary of one thousand eight hundred dollars per annum; one deputy who shall be assistant jailer, who shall receive a salary of one thousand eight hundred dollars per annum; one deputy, who shall be court bailiff, who shall receive a salary of one thousand five hundred dollars per annum, one deputy who shall be court bailiff, who shall receive a salary of one thousand five hundred dollars per annum, one deputy, who shall also be chauffeur, who shall receive a salary of one thousand eight hundred dollars per annum, and three additional deputies, who shall each receive a salary of one thousand five hundred dollars per annum.

3. Recorder, two thousand four hundred dollars per annum; *provided*,^{Recorder.} that in counties of this class there shall be, and is hereby allowed the recorder one deputy at a salary of one thousand five hundred dollars per annum, and two deputies for twelve months in each year at one hundred dollars each per month, and as many copyists as may be required who shall receive as compensation the sum of five cents per folio for recording, copying and comparing any instrument or notice, except maps or plats, and for copies of any record or paper, five cents per folio. The salaries of all copyists herein provided for shall be paid by the county in monthly installments at the same time, and in the same manner, and out of the same fund that the salary of the county recorder is paid.

4. Auditor, two thousand four hundred dollars per annum; *provided*,^{Auditor.} that there is hereby allowed to the auditor one chief deputy who shall receive a salary of one thousand eight hundred dollars per annum, one deputy who shall receive a salary of one thousand six hundred twenty dollars per annum, one deputy who shall receive a salary of one thousand five hundred dollars per annum, two deputies for not more than four months in each year, who shall each receive a salary of one hundred ten dollars per month, and four additional deputies for not more than one month in each year, who shall receive a salary of one hundred ten dollars per month each.

5. Treasurer, two thousand four hundred dollars per annum; *provided*,^{Treasurer.} that in counties of this class there shall be and hereby is allowed to the treasurer, the sum of not exceeding one thousand eight hundred dollars per annum, to be expended for the salary of a deputy.

6. Tax collector, two thousand four hundred dollars per annum; one chief deputy for not more than ten months of each year, who shall receive a salary of one hundred fifty^{Tax collector.}

dollars per month, and six deputies for not more than three months of each year, who shall receive a salary of one hundred dollars per month each.

Assessor.

7. Assessor, two thousand four hundred dollars per annum; one chief deputy who shall receive a salary of one thousand eight hundred dollars per annum; one stenographer and roll writer, for not more than eight months in each year, who shall receive a salary of one hundred twelve and fifty hundredths dollars per month; one deputy for writing plat books, for not more than five months in each year, who shall receive a salary of one hundred twenty-five dollars per month; one check deputy for not more than five months in each year, who shall receive a salary of one hundred twenty-five dollars per month; two additional deputies for not more than four months in each year, who shall each receive a salary of one hundred dollars per month; eight field deputies for not more than three months in each year, who shall each receive a salary of one hundred fifty dollars per month; two field deputies for not more than three months in each year, who shall each receive a salary of one hundred twenty-five dollars per month; one field deputy for not more than three months in each year, who shall receive a salary of one hundred seventy-five dollars per month; all of said field deputies shall pay their own expenses. It is hereby provided that in counties of this class, the assessor shall receive no fees or compensation for his collection of taxes on personal property or possessory interests.

District attorney.

8. District attorney, three thousand dollars per annum; one chief deputy who shall receive a salary of two thousand four hundred dollars per annum; one deputy who shall receive a salary of one thousand eight hundred dollars per annum; one deputy, who shall be designated "criminal investigator" who shall receive a salary of one thousand eight hundred dollars per annum; one stenographer who shall receive a salary of one thousand two hundred dollars per annum; it shall be the duty of this stenographer to report and transcribe, without any additional charge, all preliminary hearings required of him by the district attorney.

Coroner.

9. Coroner, such fees as are now, or may be hereafter, allowed by law.

Public administrator.

10. Public administrator, such fees as are now, or may be hereafter allowed by law.

Supt of schools.

11. Superintendent of schools, two thousand four hundred dollars per annum; two deputies who shall each receive a salary of two thousand dollars per annum, said salaries to include traveling expenses in connection with the visitation of schools; one deputy who shall receive a salary of one thousand two hundred dollars per annum; *provided*, that in counties of this class the superintendent of schools shall receive no compensation for services as a member of the county board of education, or as ex officio secretary thereof.

Surveyor.

12. Surveyor, one thousand five hundred dollars per annum; which shall be in full for all services required of him by the superior court or board of supervisors, or assessor.

It shall be his duty on demand of the assessor, to prepare any and all maps, plats or block books for the use of the county assessor.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month, in the same manner and out of the same fund as county officers are paid, and in addition such fees as are now, or may hereafter, be provided by law: In townships having a population of more than five thousand, one hundred dollars per month; *provided*, that if the county seat shall be situated in a township of this class, one hundred fifty dollars per month; in townships having a population of less than five thousand, and more than two thousand, seventy-five dollars per month; in townships having a population of less than two thousand, twenty dollars per month. It is hereby found as a fact that the salaries provided for in this subdivision do not work an increase in compensation, and the same shall apply immediately to incumbents.

Justices
of the peace.

Justices of the peace shall be allowed their necessary incidental expenses in such reasonable sums as may be fixed by the board of supervisors, according to the needs of the business of the justice's courts in each township. The board of supervisors of such counties shall furnish and supply to the justices of the peace of the various townships in such counties the codes of the state and amendments thereto, and all necessary stationery, legal blanks and forms for the proper and convenient conduct of business.

14. Constables shall receive the following monthly salaries to be paid each month in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them: In townships having a population of more than two thousand, seventy-five dollars per month; in townships having a population of less than two thousand, twenty dollars per month. Constables shall cooperate at all times with the sheriff, and shall perform any and all duties that he may require of them. It is hereby found as a fact, that the salaries provided for in this subdivision do not work an increase in compensation, and the same shall apply immediately to incumbents.

Constables.

15. For the purposes of subdivisions thirteen and fourteen of this section, the population of the several judicial townships shall be ascertained by multiplying the number of registered electors at the last general election by three and one-half.

Population
of
townships.

16. Each supervisor, one thousand two hundred dollars per annum, which shall be in full for all services as supervisor and road commissioner for each year.

Supervisors.

17. The county traffic officer, one thousand eight hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the county traffic officer one deputy who shall be appointed by said county traffic officer and which office is hereby created. Said deputy county traffic officer shall receive a salary of one thousand six hundred twenty dollars per annum, which shall be paid at the

Traffic
officer.

same time, in the same manner and out of the same fund as the salary of the county traffic officer is paid. Said county shall furnish machines or other vehicles for said county traffic officer and his said deputy and shall provide gasoline and oil for the purpose of propelling the same and pay all of the expense of the upkeep of said machines. All the provisions of this paragraph shall apply to the said county traffic officer and his said deputy whenever the office of county traffic officer is created by law.

Physician.
Health
officer.

18. County physician, seventy-five dollars per month.

19. County health officer, seventy five dollars per month; *provided*, that in counties of this class there shall be and hereby is allowed the health officer, two deputies, each of whose salaries shall be one hundred fifty dollars per month, said deputies to pay all their own expenses.

Live stock
inspector.

20. Live stock inspector, who shall be ex officio county veterinarian, one thousand eight hundred dollars per annum; *provided*, that in counties of this class the live stock inspector shall devote his entire time to the performance of the duties of the office; *provided, further*, that in counties of this class the live stock inspector shall be and hereby is allowed three deputies who shall each receive as salaries six hundred dollars per annum.

Librarian.

21. County librarian, one thousand six hundred dollars per annum.

Jurors.

22. In counties of this class, grand jurors and trial jurors in criminal cases shall receive as compensation for each day's attendance on the grand jury, the superior court or justice court, the sum of three dollars per day, and for each mile actually and necessarily traveled from their residence in attending court or grand jury, in coming only, the sum of fifteen cents per mile; such mileage to be allowed but once during each session said jurors are required to attend.

Effect of
act.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes, nor to increase or decrease the compensation paid to or received by any such person under the provisions of such statute, except as otherwise herein expressly provided.

CHAPTER 467.

An act to provide for the prevention of forest fires in the San Dimas canyon in the San Gabriel mountains, California, and to make an appropriation therefor.

[Approved June 22, 1923.]

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

SECTION 1. Out of any money in the state treasury not otherwise appropriated, there is hereby appropriated the sum of three thousand dollars during the seventy-fifth and seventy-sixth fiscal years, which money shall be used and expended for the purpose of preventing forest fires, and the construction and maintenance of fire trails and fire breaks in the San Dimas canyon in the San Gabriel mountains, California, and the canyons adjacent thereto.

Appropriation: prevention of forest fires in San Dimas canyon, etc.

SEC. 2. The state board of control is hereby authorized and empowered to enter into a contract or contracts with the San Antonio fruit exchange, a corporation organized and existing under and by virtue of the laws of the State of California, for the purpose of protecting San Dimas canyon from devastation by fire; *provided, however*, that the money herein appropriated to be expended annually shall not become available until there shall have been deposited in the state treasury for this purpose an amount equal thereto, by the San Dimas fruit exchange, the county of Los Angeles, or by any individual or corporation or by any or all of them.

Contracts with San Antonio fruit exchange.

Condition precedent.

SEC. 2. The moneys provided under the provisions of section one hereof shall be expended under the direction of the state forester.

State forester to supervise.

CHAPTER 468.

An act to provide for the prevention of forest fires in the San Gabriel canyon in the San Gabriel mountains, California, and to make an appropriation therefor.

[Approved June 22, 1923.]

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

SECTION 1. Out of any money in the state treasury not otherwise appropriated, there is hereby appropriated the sum of two thousand eight hundred dollars during the seventy-fifth and seventy-sixth fiscal years, which money shall be used and expended for the purpose of preventing forest fires, and the construction and maintenance of fire trails and fire breaks in the San Gabriel canyon in the San Gabriel mountains, California, and the canyons adjacent thereto.

Appropriation: prevention of forest fires in San Gabriel canyon, etc.

SEC. 2. The state board of control is hereby authorized and empowered to enter into a contract or contracts with the San Antonio Fruit Exchange, a corporation organized and existing under and by virtue of the laws of the State of California, for the purpose of protecting San Gabriel canyon from devas-

Contracts with San Antonio fruit exchange.

Condition precedent.

tation by fire; *provided, however*, that the money herein appropriated to be expended shall not become available until there shall have been deposited in the state treasury for this purpose the sum of one thousand four hundred dollars by the Azusa Irrigation Company, the Covina Irrigation Company, the county of Los Angeles or by any individual or corporation, or by any or all of them.

State forester to supervise.

SEC. 3. The moneys provided under the provisions of section one hereof shall be expended under the direction of the state forester.

CHAPTER 469.

An act to amend sections four thousand two hundred thirty-six a, four thousand two hundred thirty-six b, four thousand two hundred thirty-six c, four thousand two hundred thirty-six d, four thousand two hundred thirty-six e, four thousand two hundred thirty-six f, four thousand two hundred thirty-six g, four thousand two hundred thirty-six h, four thousand two hundred thirty-six i, four thousand two hundred thirty-six j, four thousand two hundred thirty-six k, four thousand two hundred thirty-six l, four thousand two hundred thirty-six m, four thousand two hundred thirty-six n, four thousand two hundred thirty-six o, four thousand two hundred thirty-six p inclusive of the Political Code, and to add a new section to said code to be numbered four thousand two hundred thirty-six q, relating to county and township officers in counties of the seventh class, the assistants, deputies, and other employces of said officers, and provided for the compensation of said officers and said assistants, deputies, and other employees.

[Approved June 22, 1923.]

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

SECTION 1. Section four thousand two hundred thirty-six a of the Political Code is hereby amended to read as follows:

Salaries and fees of officers.

County clerk.

4236a. In counties of the seventh class the county clerk shall receive as full compensation for the services required of him by law the sum of four thousand dollars per annum; *provided*, that in counties of this class, there shall be, and there is hereby allowed the county clerk, the following deputies, clerks and employces, to be appointed by said clerk, which positions are hereby created, and the salaries of each are hereby fixed as follows: One chief deputy who shall serve as chief deputy and registrar of voters, two thousand seven hundred dollars per annum; one deputy, two thousand two hundred eighty dollars per annum; five deputies, two thousand one hundred dollars each per annum; eight deputies, one thousand six hundred eighty dollars each per annum; *provided*, that whenever the number of judges of the superior court shall be increased, there shall be and there is hereby

allowed to the county clerk, by reason of such increase, one additional deputy, for each judge so appointed or elected, at a salary of one thousand eight hundred dollars per annum; *provided*, that whenever a special state or special county, or municipal election is held, the county clerk, in counties of this class, shall be, and is hereby allowed the following additional help: five clerks for a period of and not exceeding sixty days, immediately preceding such election date, whose salary shall be one hundred twenty-five dollars each, per month; *provided, further*, that in such years as the compilation of a great register of voters is required by law, to be made, the county clerk in counties of this class, shall be, and he is hereby allowed the following additional help: As many clerks as are necessary, in his discretion, from January first, to November first, at one hundred dollars each per month, and whose compensation shall not exceed the sum of three thousand dollars in the aggregate, for all clerks so employed; *provided, further*, the county clerk may appoint such number of registration deputies in any precinct as may be necessary for the purpose of registering electors, each of whom shall be a qualified elector in his respective precinct, each of said deputies in precincts outside of the corporate limits of municipalities containing twenty-five thousand or more, inhabitants, shall be paid the sum of fifteen cents per name, for each person legally registered by him, and that each of said deputies, within the corporate limits of a municipality containing twenty-five thousand or more inhabitants, shall be paid the sum of seven and one-half cents per name for each person legally registered by him, and the said registration deputies to be paid for their services on the presentation and filing with the county auditor of said county, a duly verified claim therefor, duly approved by the said county clerk. The salaries and compensation of each of said deputy clerks and employees shall be paid out of the county treasury in equal monthly installments in the same manner and at the same time as other county officials are paid. The county clerk shall pay into the county treasury at the close of each month, all fees received by him as county clerk during the month, accompanied by a statement of the sources from whence received.

Sec. 2. Section four thousand two hundred thirty-six b of the Political Code is hereby amended to read as follows:

4236b. In counties of the seventh class the sheriff shall ^{Sheriff.} receive as full compensation for the services required of him by law, the sum of four thousand dollars per annum salary; the sheriff shall also be paid fifteen cents per meal each, for all meals furnished prisoners confined in the county jail. He shall be allowed the actual and necessary expenses incurred in the performance of his official duties, including the actual and necessary expense incurred by him in recovering or searching for the body of any person meeting death through drowning; *provided*, that in counties of this class, there shall be, and there is hereby allowed the sheriff, the following depu-

tics, jailers, and bailiffs, to be appointed by said sheriff, which positions are hereby created, and the salaries of each are hereby fixed as follows: One deputy, who shall act as undersheriff, at a salary of two thousand four hundred dollars per annum; one deputy, who shall act as chief criminal deputy and Bertillon expert, at a salary of two thousand one hundred dollars per annum; one chief jailer at a salary of one thousand nine hundred twenty dollars per annum; ten deputies at salaries of one thousand eight hundred dollars per annum, each; one matron, to attend female prisoners at a salary of one thousand three hundred twenty dollars per annum; one deputy who shall act as bookkeeper at a salary of one thousand eight hundred dollars per annum; one relief matron, for two weeks in each year, at a salary of one hundred twenty dollars per month; *provided*, that whenever the number of judges of the superior court shall be increased, there shall be and there is hereby allowed to the sheriff, by reason of such increase, one additional deputy for each judge so appointed or elected, at a salary of one thousand eight hundred dollars per annum. The salaries and compensation of each of said deputies, jailers and bailiffs, shall be paid out of the county treasury in equal monthly installments, in the same manner and at the same time as other county officials are paid.

The sheriff shall pay into the county treasury at the close of each month all fees, mileage and per diems received by him as sheriff during the month, accompanied by a statement of the sources from whence received.

SEC. 3. Section four thousand two hundred thirty-six of the Political Code is hereby amended to read as follows:

Recorder.

4236c. In counties of the seventh class the recorder shall receive as full compensation for the services required of him by law, the sum of four thousand dollars per annum; *provided*, that in counties of this class there shall be, and there is hereby allowed the county recorder, the following deputies, clerks and copyists, to be appointed by said recorder, which positions are hereby created, and the salaries of each are hereby fixed as follows: One chief deputy at a salary of two thousand four hundred dollars per annum; one comparing clerk, at a salary of one thousand nine hundred twenty dollars per annum; one mortgage clerk, at a salary of one thousand six hundred twenty dollars per annum; one index clerk at a salary of one thousand nine hundred twenty dollars per annum; said recorder may also appoint such copyists, not to exceed four, as may be required, for the recording of all papers, notices or documents in his office, who shall receive as compensation for their services the sum of one thousand six hundred twenty dollars each, per year; said recorder may also appoint two filing clerks at a salary of one thousand six hundred twenty dollars each, per annum. The salaries and compensation of each of said deputies, clerks and copyists herein provided for, each of whom shall be a deputy county

recorder, shall be paid out of the county treasury in equal monthly installments, in the same manner and at the same time as other county officials are paid.

SEC. 4. Section four thousand two hundred thirty-six *d* of the Political Code is hereby amended to read as follows:

4236*d*. In counties of the seventh class the auditor shall Auditor. receive as full compensation for the services required of him by law, the sum of four thousand dollars per annum; *provided*, that in counties of this class, there shall be, and there is hereby allowed the auditor, the following deputies, clerks and employees to be appointed by said auditor, which positions are hereby created and the salaries of each are hereby fixed as follows: One chief deputy at a salary of two thousand four hundred dollars per annum; one redemption deputy at a salary of two thousand one hundred dollars per annum; one warrant deputy at a salary of two thousand one hundred dollars per annum; one claim expert, at a salary of two thousand one hundred dollars per annum; one statistician, at a salary of one thousand eight hundred dollars per annum; one assistant claim clerk at a salary of one thousand eight hundred dollars per annum; one general office deputy, at a salary of one thousand eight hundred dollars per annum; and such additional assistants as the auditor may require, and whose compensation shall not exceed one thousand two hundred dollars per annum, in the aggregate, for all assistance so rendered; *provided, further*, that the auditor shall certify thereon, as to the correctness of such additional assistance. The salaries and compensation of each of said deputies and clerks, shall be paid out of the county treasury, in equal monthly installments, in the same manner and at the same time as other county officials are paid.

SEC. 5. Section four thousand two hundred thirty-six *e* of the Political Code is hereby amended to read as follows:

4236*e*. In counties of the seventh class the county treasurer Treasurer. shall receive as full compensation for the services required of him by law, the sum of four thousand dollars per annum: *provided*, that in counties of this class, there shall be and there is hereby allowed, the following deputies, to be appointed by said treasurer, which positions are hereby created, and the salaries of each are hereby fixed as follows: One chief deputy at a salary of two thousand four hundred dollars per annum; one deputy to act as bookkeeper, at a salary of two thousand one hundred dollars per annum; one deputy, at a salary of one thousand eight hundred dollars per annum; the salaries and compensation of each of said deputies and bookkeeper shall be paid out of the county treasury, in equal monthly installments, in the same manner and at the same time as other county officials are paid. The county treasurer shall pay into the county treasury at the close of each month, all fees received by him as county treasurer during the month, accompanied by a statement of the sources from whence received.

SEC. 6. Section four thousand two hundred thirty-six *f* of the Political Code is hereby amended to read as follows:

Tax and
license
collector.

4236*f*. In counties of the seventh class the county tax and license collector shall receive as full compensation for services as tax collector and ex officio license collector, required of him by law, the sum of four thousand dollars per annum; *provided*, that in counties of this class, there shall be, and there is hereby allowed the tax collector, the following deputies, bookkeepers and assistants, to be appointed by said tax collector, which positions are hereby created, and the salaries of each are hereby fixed as follows: One chief deputy at a salary of two thousand four hundred dollars per annum; one office deputy at a salary of two thousand one hundred dollars per annum; one cashier, at a salary of two thousand one hundred dollars per annum; one deputy who shall be correspondence and mail clerk, at a salary of one thousand eight hundred dollars per annum; *provided, further*, that the tax collector shall have two additional deputy tax collectors to serve as such for a period of six months in each year, and who shall receive a salary of one hundred fifty dollars each, per month; also, three additional deputy tax collectors, to serve as such for a period of three months in each year, and who shall receive a salary of one hundred fifty dollars each, per month; also one additional deputy tax collector to serve as cashier for two months in each year, and who shall receive a salary of one hundred fifty dollars per month; all of which shall be paid by the county. The salaries and compensations of each of said deputies, assistants and bookkeepers shall be paid out of the county treasury, in equal monthly installments at the same time and in the same manner as other county officials are paid. The tax collector is hereby declared to be the ex officio license collector, and the office of license collector heretofore existing is hereby abolished.

The tax and license collector shall deposit in the county treasury all the money received by him in his official capacity, not later than the day succeeding the collection thereof, in the manner provided by section four thousand one hundred one *a* of the Political Code; *provided*, that checks, drafts and post office orders received or accepted by the tax and license collector at his own risk, the proceeds of which are to be applied on tax or license collections, may be deposited in bank and a reasonable time allowed for "clearance," not to exceed one week, before depositing the money in the county treasury; *provided, further*, that nothing herein shall be construed to authorize the payment of taxes other than in "lawful money of the United States," as provided by section three thousand eight hundred eighty-eight, of the Political Code. The tax and license collector shall be allowed his actual and necessary traveling expenses incurred by him, in the performance of his official duty, not exceeding two hundred dollars for the year.

SEC. 7. Section four thousand two hundred thirty-six *g* of the Political Code is hereby amended to read as follows:

4236g. In counties of the seventh class the county assessor ^{Assessor.} shall receive as full compensation for services required of him by law, the sum of four thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed the assessor, the following deputies, clerks and assistants, to be appointed by said assessor, which positions are hereby created, and the salaries of each are hereby fixed as follows: One assistant county assessor at a salary of two thousand four hundred dollars per annum; one chief deputy assessor at a salary of two thousand one hundred dollars per annum; two office deputies at a salary of one thousand eight hundred dollars per annum each; one deputy at a salary of one thousand eight hundred dollars per annum; one deputy for one hundred fifty days in each year at a salary of seven dollars per day; two deputies for one hundred days in each year at a salary of five dollars and fifty cents per day, each; six deputies for one hundred days in each year, at a salary of seven dollars per day each; ten deputies for one hundred days in each year at a salary of ten dollars per day, each; two deputies, for two months in each year, at a salary of one hundred fifteen dollars per month, each. The salaries and compensation of each of said deputies, clerks and assistants shall be paid out of the county treasury in equal monthly installments, in the same manner and at the same time as other county officials are paid. The salaries of all assistants, deputies and clerks herein provided for shall be paid by the said county in monthly installments at the same time, manner and out of the same funds as the county assessor is paid.

SEC. 8. Section four thousand two hundred thirty-six h of the Political Code is hereby amended to read as follows:

4236h. In counties of the seventh class the district attorney ^{District attorney.} shall receive as full compensation for the services required of him by law the sum of five thousand dollars per annum; *provided*, that in counties of this class there shall be, and there is hereby allowed the district attorney, the following assistant, deputies and employees, to be appointed by said district attorney which positions are hereby created and the salaries of each are hereby fixed as follows: One assistant district attorney, whose salary is hereby fixed at the sum of three thousand nine hundred dollars per annum; one chief deputy district attorney, whose salary is hereby fixed at the sum of three thousand six hundred dollars per annum; one deputy district attorney whose salary is hereby fixed at the sum of three thousand three hundred dollars per annum, whose duty it shall be, in addition to performing services as deputy district attorneys, to attend preliminary examinations held in all police and justices' courts in the county and conduct on behalf of the people all prosecutions for felonies at such preliminary examinations, and, also to attend and appear before the juvenile court of said county and prosecute proceedings therein; one clerk, who shall be a stenographer, whose salary is hereby fixed at the sum of one thousand six hundred eighty dollars

per annum; one county detective, who shall perform such duties as may be required of him by the district attorney, or by the ordinances of the board of supervisors of the county, whose salary is hereby fixed at the sum of one thousand eight hundred dollars per annum; *provided, further*, that in addition to the salary herein fixed for said county detective he shall be allowed and paid actual and necessary expenses incurred by him in the performance of his official duties; *provided, further*, that the said county detective shall file with the board of supervisors a verified statement and claim showing in detail the amount paid, and the persons to whom and the purpose for which such payments were made; *and provided, further*, that in counties of this class the district attorney, in addition to the salary herein fixed, shall be allowed his traveling and other personal expenses incurred in criminal cases arising in the county, and in civil actions and proceedings in which the county is interested, and all other expenses necessarily incurred by him in the investigation and detection of crime and the prosecution of criminal cases and in civil actions and proceedings, and all other matters in which the county is interested, all of which said charges and expenses so incurred by him shall be a legal charge against the county. Neither the district attorney nor any of his assistants or deputies shall engage in the private practice of law, nor shall they be associated directly or indirectly with any lawyer or law firm as such in private practice, but each shall devote his entire time to the service of the county.

The salaries and compensation of each of said assistants, deputies and employees shall be paid out of the county treasury in equal monthly installments in the same manner and at the same time as other county officials are paid.

SEC. 9. Section four thousand two hundred thirty-six of the Political Code is hereby amended to read as follows:

Coroner.

4236i. In counties of the seventh class there shall be one coroner who shall receive as full compensation for the services required of him by law, such fees as are now or may hereafter be allowed by law; *provided*, the coroner, or other officer holding an inquest upon the body of a deceased person may subpoena a chemist to make an analysis of the contents of the stomach or tissues of the body, or a physician or surgeon to inspect the body, or hold a post mortem examination of the deceased, and give a professional opinion as to the cause of death; and shall cause the testimony of all the witnesses at such inquest to be reduced to writing under his direction; *provided*, that in counties of this class there shall be and there is hereby allowed the coroner the following assistants, to be appointed by said coroner which positions are hereby created, and the salaries of each are hereby fixed as follows: one deputy and one stenographer; said deputy shall have the power and it shall be his duty when directed by the coroner to hold inquests, and all such power conferred by law upon the coroner may be exercised by said deputy, who shall receive a salary of one thousand four hundred forty dollars per annum; the sal-

ary of said stenographer shall be one thousand five hundred dollars per annum, which salary shall be in full for all services rendered by him as such stenographer. Said stenographer shall take down in shorthand the testimony of witnesses at inquests and shall transcribe the same into longhand and file a verified copy thereof with the county clerk. The salaries and compensation of said deputy and stenographer, shall be paid out of the county treasury in equal monthly installments in the same manner and at the same time as other county officials are paid.

SEC. 10. Section four thousand two hundred thirty-six *j* of the Political Code is hereby amended to read as follows:

4236*j*. In counties of the seventh class there shall be one superintendent of schools, who shall receive as full compensation for the services required of him by law, the sum of three thousand dollars per annum, and actual and necessary traveling expenses when visiting schools of the county; *provided*, that in counties of this class, there shall be and there is hereby allowed the superintendent the following assistant and deputy to be appointed by said superintendent which positions are hereby created and the salaries of each are hereby fixed as follows: one assistant superintendent of schools, who shall receive as compensation, the sum of two thousand one hundred dollars per annum, one deputy superintendent of schools, who shall receive as compensation the sum of two thousand one hundred dollars per annum. The salary of said assistant superintendent of schools and deputy superintendent of schools shall be paid out of the county treasury in equal monthly installments in the same manner and at the same time as other county officials are paid. Each member of the board of education of the county shall receive five dollars per day as compensation for his services when in actual attendance upon said board, and mileage at the rate of twenty cents per mile, one way only, from his residence to the place of meeting of said board. The secretary of said board of education of said county shall receive five dollars per day for his services for the actual time that the board may be in session. Said compensation of the members of the said board and of said secretary shall be paid out of the same fund as the salary of the superintendent of schools. Claims of such service and mileage shall be presented to the board of supervisors and shall be allowed at the rate above named, and in the same manner as other claims against the county are allowed. The compensation of members of the county board of education of this county hereby provided is not in addition to that provided in section one thousand seven hundred seventy of this code.

SEC. 11. Section four thousand two hundred thirty-six *k* of the Political Code is hereby amended to read as follows:

4236*k*. In counties of the seventh class, the county surveyor shall receive a salary of two thousand four hundred dollars per annum; and in addition thereto all necessary expenses for work performed in the office and all necessary expenses and transportation for work performed in the field;

Sec. 12. Section four thousand two hundred thirty-six of the Political Code is hereby amended to read as follows:

Justices
of the peace
and
constables.

4236L. For the purpose of regulating the compensation of township justices and constables in counties of the seventh class, townships shall be classified on the basis of population, said population to be determined by the board of supervisors by multiplying by three the number of registered voters at the last general election next preceding the date of such determination, said census so taken shall be known and shall become the official census of the township in which the same is taken, and the population therein determined shall be and become the official population of such township. Incorporated cities having a population of twenty thousand or more, shall be known as townships of the first class; townships having a population of five thousand and less than twenty thousand shall be known as townships of the second class; townships having a population of more than two thousand and less than five thousand shall be known as townships of the third class; *provided*, that no township shall contain less than two thousand population; *provided, further*, that the number of townships shall not exceed eight in counties of this class. It shall be the duty of the board of supervisors to fix the boundaries of townships, so that all the territory in counties of the seventh class, shall be comprised within the above limitations of population, and where the boundary line of any township is changed they shall take the census of said township or townships in the manner as in this section provided and the population therein determined shall be and become the official population of the township.

Classifica-
tion of
townships.

Townships of the second and third classes, shall each have one justice and one constable.

Townships of the first class shall have one justice and two constables; *provided, however*, that in all such townships having a population of twenty thousand or more, there shall be one clerk to be appointed by the justice of the peace, such clerk to receive a salary of one hundred sixty dollars per month, payable monthly in the same manner as salaries of county officers are paid. All fees chargeable and collectible by justices of the peace in criminal and civil cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury. All fees and mileage collected by constables in civil cases shall be deposited in the county treasury monthly.

In townships containing twenty thousand or more inhabitants the board of supervisors shall furnish the justice of the peace and the constables of such townships an office to be occupied by such justice and constables jointly.

The compensation of justices of the peace in counties of the seventh class is hereby fixed as follows: Class one townships, three thousand six hundred dollars per annum; class two townships, one thousand eight hundred dollars per annum; class three townships, one thousand five hundred dollars per

annum. The salaries shall be payable monthly in the same manner as county officers are paid.

The compensation of constables in counties of the seventh class is hereby fixed as follows: Class one townships, two thousand one hundred dollars per annum; class two townships, one thousand eight hundred dollars per annum; class three townships, one thousand five hundred dollars per annum. The salaries shall be payable monthly in the same manner as county officers are paid.

SEC. 13. Section four thousand two hundred thirty-six *m*, of the Political Code is hereby amended to read as follows:

4236*m*. In counties of the seventh class the public administrator shall receive as compensation such fees as are now or may hereafter be allowed by law. Public administrator.

SEC. 14. Section four thousand two hundred thirty-six *n*, of the Political Code is hereby amended to read as follows:

4236*n*. In counties of the seventh class each supervisor shall receive as compensation one hundred twenty-five dollars per month, and in addition thereto the board of supervisors as a whole shall be allotted and paid five hundred dollars per year for traveling expenses, and ten cents per mile for traveling to and from the county seat; *provided*, mileage for traveling to and from the county seat shall not be allowed oftener than once in each month. Supervisors.

SEC. 15. Section four thousand two hundred thirty-six *o*, of the Political Code is hereby amended to read as follows:

4236*o*. In counties of the seventh class the fees for trial jurors for attendance in any court shall be three dollars for each day's attendance, and said trial jurors shall be allowed mileage at the rate of ten cents per mile for each and every mile actually and necessarily traveled in attending upon and returning from court, said mileage to be computed for daily attendance, irrespective of whether said daily attendance covers one or more sessions of court. Jurors' fees

Each member of the grand jury shall be allowed three dollars for each day in attendance upon the sessions of the grand jury or for each day's service as a member of any committee of the grand jury; each grand juror shall be allowed mileage at the rate of ten cents per mile for each and every mile actually and necessarily traveled in attendance upon and returning from meetings of the grand jury, or any session of a grand jury committee, duly called by the secretary, or committee chairman.

SEC. 16. Section four thousand two hundred thirty-six *p*, of the Political Code is hereby amended to read as follows:

4236*p*. In counties of the seventh class the salary of the county librarian shall be three thousand dollars per annum. Librarian.

SEC. 17. A new section is hereby added to the Political Code to be numbered 4236*q* and to read as follows:

4236*q*. In counties of the seventh class the salary of the county traffic officer shall be one thousand eight hundred dollars per annum; *provided*, that in counties of this class there Traffic officer.

shall be and there is hereby allowed to the county traffic officer two deputies, which offices are hereby created. Said deputies shall be appointed by said county traffic officer and shall receive a salary of one thousand eight hundred dollars per annum each, which shall be paid by said county in equal monthly installments, at the same time, and in the same manner and out of the same funds as the salary of the county traffic officer is paid. Said traffic officer and his deputies shall be provided by the county with motorcycles or other vehicles and gasoline and oil for the purpose of propelling the same and shall pay all the expense of the upkeep of said machines. They shall be allowed their actual and necessary expenses incurred in the performance of their official duties. All the provisions of this paragraph are to apply to the office of county traffic officer and his deputies whenever said office of county traffic officer is created by law.

CHAPTER 470.

An act to amend section ninety-nine of the Code of Civil Procedure, providing for justice's courts in townships having a population of four hundred thousand or more.

[Approved June 22, 1923.]

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

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

Justices in
metropolitan
townships.

99. There shall be in each township having a population of four hundred thousand or more one justice's court composed of nine justices of the peace, which shall have the powers and jurisdiction prescribed and conferred by law upon justices of the peace. Said justices shall choose one of their number to be presiding justice, and in case of his disability or temporary absence they may designate any one of the other justices to act in his stead. Any of said justices may hold court and there may be as many sessions of said court at the same time as there are justices thereof. The supervisors shall provide in a convenient locality a suitable office for the presiding justice, justices' clerk, and rooms suitable for holding sessions of said court, separate from each other, for each of said justices of the peace. The said justices, justices' clerk, and deputy clerk, shall be in attendance at their respective offices for the dispatch of official business daily from nine o'clock a.m. until five p.m.

Nothing in this act shall affect the tenure of office of any justice of the peace now holding office.

CHAPTER 471.

An act to amend section four thousand two hundred fifty of the Political Code, relating to salaries, fees and expenses of officers in counties of the twenty-first class.

[Approved June 22, 1923.]

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

SECTION 1. Section four thousand two hundred fifty of the Political Code is hereby amended to read as follows:

4250. In counties of the twenty-first class, the county and township officers shall receive as full compensation for the services required of them by law, or by virtue of their office, the following salaries and fees to wit: Salaries and fees of officers.

1. The county clerk, three thousand five hundred dollars per annum, and such fees as are now, or may be hereafter allowed by law, and in any year when a new great register of voters is required by law, he shall receive, in addition thereto, ten cents per name for each person registered. He may appoint one deputy who shall receive a salary of two thousand one hundred dollars per annum; one deputy who shall receive a salary of one thousand eight hundred dollars per annum; three deputies who shall each receive a salary of one thousand two hundred dollars per annum; a copyist at a salary of one thousand two hundred dollars per annum; and during any year when an official primary election is held in the county, he may appoint one additional deputy, to serve for a period of four months only, at a monthly salary of seventy-five dollars. The deputies, clerks and stenographer herein provided for shall be paid by the county at the same time and in the same manner and out of the same fund as the county clerk is paid. County clerk. In any year when a new registration of voters is required by law, he may appoint such number of deputies as may be necessary for the convenient registration of voters in their respective precincts, such deputyships and offices being hereby created. Each of said deputies shall be paid by the county the sum of ten cents per name for each elector registered by him. Said compensation to be paid out of the general fund of the county, on the presentation and filing with the board of supervisors of the county, of a duly verified claim therefor, approved by the county clerk. On and after January 6, 1919, all fees, commissions and perquisites from whatever source received and collected by the county clerk, except the said sum of ten cents per name received by him for each person registered, shall be paid into the county treasury, and shall belong to the county.

2. The sheriff, four thousand five hundred dollars per annum: *provided*, there shall be and there hereby is allowed to the sheriff the following deputies, which offices are hereby created, who shall be appointed by the sheriff, and shall be paid salaries as follows: One chief deputy at a salary of one hundred seventy-five dollars per month, one deputy at a Sheriff.

salary of one hundred fifty dollars per month, and one deputy to act as jailer at a salary of one hundred fifty dollars per month. The salaries of the deputies and employees herein provided for shall be paid by the county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the sheriff is paid. In criminal cases, and actions in which the county is interested, the sheriff shall receive only actual expenses incurred and no more. All claims against the county shall be itemized and sworn to by the sheriff or chief deputy, and filed with the board of supervisors monthly before the tenth day of each month. Expense accounts to be sworn to and filed as separate claims. A monthly statement of all fees collected from whatever source derived, duly subscribed and sworn to by the sheriff or chief deputy shall be filed with the county treasurer on or before the tenth day of each month. The board of supervisors may allow the sheriff a sum not to exceed thirty-seven and one-half cents per day for feeding each prisoner committed to his custody. Prisoners shall be fed three meals each day. The changes in this subdivision made shall apply to the incumbent and shall be in lieu of all fees, commissions, and mileage.

Recorder.

3. The recorder, three thousand five hundred dollars per annum; and said recorder may appoint two deputy recorders, one of whom shall receive a salary of one thousand eight hundred dollars per annum, and one who shall receive a salary of one thousand two hundred dollars per annum. He may appoint such copyists as may be required for the recording of all papers, notices or documents in his office, except maps or plats, who shall receive for their services the sum of six cents per folio; and for copies of any paper or record six cents per folio. The salaries and compensation of all deputies and copyists herein provided for shall be paid by the county in monthly installments out of the same fund as the recorder is paid. All fees, commissions and perquisites collected by the recorder, from whatever source received, shall be paid into the county treasury. The recorder shall file monthly, on or before the tenth day of each month, with the county auditor, a verified statement showing in detail the fees received by him, and the amounts paid to copyists or other employees in his office, and the names of the persons to whom the same were paid.

Auditor.

4. The auditor, three thousand five hundred dollars per annum. He may appoint one deputy, who shall receive a salary of two thousand one hundred dollars per annum; and one clerk at a salary of one hundred dollars per month; and four copyists for one month in each year, at a salary of one hundred dollars per month each. The deputy, clerk and copyists herein provided for shall be paid by the county in monthly installments in the same manner and out of the same fund as the auditor is paid.

5. The treasurer, three thousand five hundred dollars per annum.

6. The tax collector, three thousand five hundred dollars per annum. He may appoint one deputy, which office is hereby created, at a salary of one thousand eight hundred dollars per annum; and such additional clerks and copyists as the tax collector may appoint at a salary not to exceed five dollars per day each; *provided, however*, that the total amount of salary and compensation paid to such additional clerks and copyists, who receive a per diem, shall not exceed the sum of three thousand dollars per annum. Said additional clerks and copyists to be paid by the county on the presentation and filing with the board of supervisors of duly verified claims showing the services rendered, approved by the tax collector. The salaries of all deputies, clerks, and indexers to be paid by the county at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid. Tax collector.

7. The assessor, four thousand dollars per annum. In counties of this class there shall be and there hereby is allowed to the assessor the following clerks, deputies and employees, who shall be paid salaries as follows: One chief deputy assessor at a salary of one thousand eight hundred dollars per annum; one deputy assessor at a salary of one hundred twenty-five dollars per month; and such additional field deputy assessors and clerks as the assessor may appoint at a salary not to exceed five dollars per day each; *provided, however*, that the total amount of salary and compensation paid to such additional deputies and clerks who receive a per diem shall not exceed the sum of three thousand dollars per annum. Said additional deputies and clerks to be paid by the county on the presentation and filing with the board of supervisors of duly verified claims, showing the services rendered, approved by the assessor. The salaries of all deputies, clerks and employees shall be paid by the county, at the same time and in the same manner and out of the same fund as the salary of the assessor is paid. The assessor shall receive no compensation or commissions for the collection of personal property taxes, or compiling the military roll, and all commissions, perquisites and fees from whatever source received, collected by him, shall be paid into the county treasury, and shall belong to the county. The changes herein made are intended to place the office of the assessor on a fixed salary basis, in lieu of the assessor's present compensation, fees and commissions allowed him by law, and shall apply to the incumbent. Assessor.

8. The district attorney, three thousand five hundred dollars per annum; and said district attorney may appoint a stenographer, which office is hereby created, who shall receive a salary of one hundred dollars per month; and one deputy district attorney, which office is hereby created, who shall receive a salary of two thousand one hundred dollars per annum. Said stenographer and deputy shall be paid by the county at the same time and in the same manner and out of the same fund as the district attorney is paid. The district attorney shall be allowed, in addition to the monthly salary herein allowed, the sum of sixty dollars per month, which shall District attorney.

be in full for all his traveling and other personal expenses in criminal cases and civil actions in which the county is interested, as provided for in subdivision two of section four thousand three hundred seven of the Political Code.

Librarian.

8a. The county librarian, two thousand one hundred dollars per annum, payable at the same time and in the same manner and out of the same fund as the salaries of other county officers; *provided*, that there shall be and there hereby is allowed to the county librarian one deputy whose salary shall be one thousand five hundred dollars per annum and one deputy whose salary shall be one thousand three hundred twenty dollars per annum, and the board of supervisors may appoint all other necessary employees for the county library as provided by law. The county librarian shall also be allowed actual and necessary traveling expenses.

Coroner.

9. The coroner, such fees as are now or may be hereafter allowed by law.

Public administrator.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

Superintendent of schools.

11. The superintendent of schools, three thousand five hundred dollars per annum, and said superintendent of schools may appoint a clerk, which office is hereby created, who shall receive a salary of one hundred dollars per month. Said clerk shall be paid by the county at the same time and in the same manner and out of the same fund as the superintendent of schools is paid. In counties of this class the superintendent of schools shall receive his actual and necessary traveling expenses for visiting and examining schools and school properties of the county and in performing such other duties as are incident to the full discharge of the requirements of the office of superintendent of schools.

Surveyor

12. The surveyor shall receive two thousand seven hundred dollars per annum for all work performed for the county, and, in addition thereto, actual traveling and other necessary expenses incurred in connection with field work. Whenever the surveyor is directed by the board of supervisors or assessor to plat, trace or otherwise prepare maps, plats or block-books for the use of the county assessor or said board, he shall be allowed only the actual cost of preparing the same.

Justices of the peace.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them, and of all fees. In townships having a population of three thousand five hundred or more, one hundred ten dollars per month; in townships having a population of not less than one thousand five hundred and not more than three thousand five hundred eighty-five dollars per month; in all townships having a population less than one thousand five hundred, fifty dollars per month. All fees collected by justices of the peace shall be paid into the county treasury, and shall belong to the county. The provisions of this subdivision shall apply to the incumbents.

14. Constables shall receive the following monthly salaries, Constables.
 to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases; In townships having a population of three thousand five hundred or more, one hundred twenty-five dollars per month; in townships having a population of not less than one thousand five hundred nor more than three thousand five hundred, one hundred ten dollars per month; in all townships having a population of less than one thousand five hundred, seventy dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions; and he shall also be allowed his actual and necessary expenses incurred in executing any warrant outside of his county issued by a magistrate or justice of his county. Constables shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to the county jail, which said expenses shall be audited and allowed by the board of supervisors, and paid out of the county treasury.

15. Each member of the board of education shall receive five dollars per day as compensation for his services when in actual attendance upon said board, and mileage at the rate of twenty-five cents per mile: one way only, from his residence to the place of meeting of said board. The secretary of said board of education shall receive five dollars per day for his services for the actual time that the board may be in session. Said compensation of the members of said board, and of said secretary, shall be paid out of the same fund as the salary of the superintendent of schools is paid. Claims for such services and mileage shall be presented to the board of supervisors, and shall be allowed at the rate above named, in the same manner as other claims against the county are allowed. The competition of the members of the county board of education herein provided is not in addition to that provided in section one thousand seven hundred seventy of this code. Board of education.

16. Each supervisor, one thousand five hundred dollars per annum, and twenty cents per mile for traveling from his residence to the county seat; *provided*, that when a supervisor is also road commissioner he shall receive in addition to the twenty cents per mile allowed to him by law as such road commissioner his actual traveling expenses, the total mileage and expenses not in any one year to exceed the sum of three hundred dollars. The changes as to salary made in this subdivision shall not apply to incumbents. Supervisors.

17. Whenever it has been determined by the board of supervisors or by vote of the people to build, construct or repair any public road, bridge or building in the county, the board of supervisors may thereupon employ such expert mechanics, draughtsman, engineers and inspectors as the board deems necessary to render skilled or technical services in connection with and for the purposes of such work, and shall define their Highway engineers, etc.

duties and fix their compensation. At any time deemed necessary, the board of supervisors shall have power to employ road masters who shall patrol the highways of the county as directed by the board and who shall have and exercise the powers of peace officers. The compensation of such employes shall be designated by the board, upon claims presented to and approved by said board.

Traffic
officer.

18. The county traffic officer, two thousand one hundred dollars per annum, payable at the same time and in the same manner and out of the same fund as salaries of other county officers are paid; *provided*, that there shall be and there is hereby allowed to the county traffic officer six deputies, which offices are hereby created. Said deputies shall be appointed by said traffic officer and shall each receive a salary of one thousand eight hundred dollars per annum; the salaries of such deputies shall be paid at the same time and in the same manner as the salaries of county officers are paid. The board of supervisors shall provide motorcycles or other vehicles and gasoline and oil for the purpose of propelling the same, for such traffic officers and shall pay all of the expense of the upkeep of said machines. All of the provisions of this paragraph are to apply to the office of county traffic officers and his deputies whenever said office of county traffic officer is created by law.

19. In townships having a population of three thousand five hundred or more, justices of the peace shall be allowed for their office rent, and expenses, the sum of forty dollars each per month, in addition to the monthly salaries herein allowed. In townships having a population of less than three thousand five hundred, justices of the peace shall be allowed for their office rent, and expenses the sum of twenty-five dollars each per month in addition to the monthly salaries herein allowed. Each justice of the peace must pay into the county treasury monthly, all fees and fines collected by him; and he must keep a book open for the inspection of the public, during office hours, in which must be entered at once and in detail the amount of all fees and fines collected by him. The auditor must withhold warrants for salary and office rent until a sworn statement has been filed with him, of all cases tried, and fees and fines collected; and the same are paid into the county treasury. No justice of the peace shall draw or receive any monthly salary unless he shall make and subscribe an affidavit before an officer entitled to administer oaths, that no cause in his court remains pending and undecided, that has been submitted to him for decision for a period of thirty days; said affidavit to be filed with the auditor of the county.

Jurors.

20. In counties of this class, grand jurors and trial jurors in the superior court shall each receive for each day's attendance, per day, the sum of three dollars, and for each mile actually and necessarily traveled from their residence to the county seat, in going only, per mile, the sum of twenty cents;

such mileage to be allowed but once during each session such jurors are required to attend.

21. In counties of this class there shall be appointed by the sheriff a suitable woman as jail matron, who shall have care of female prisoners confined in the county jail. She shall be paid a salary of seventy-five dollars per month, to be paid by the county in monthly installments at the same time, in the same manner, and out of the same fund that the salary of the sheriff is paid. Jail matron.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes. Effect of act.

CHAPTER 472.

An act to amend section six of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof, approved March 6, 1907, as amended."

[Approved June 22, 1923.]

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

SECTION 1. Section six of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof, approved March 6, 1907, as amended," is hereby amended to read as follows: Stats. 1913, D. 694, amended.

Sec. 6. It is hereby made the duty of the district attorney of the county wherein any violation of this act is committed, to conduct all actions and prosecutions for the same, at the request of the board of pharmacy; *provided*, that the board may employ special counsel to assist the district attorney in such actions and prosecutions; *provided, further*, that no attorney employed as special counsel shall receive as compensation therefor any sum in excess of four thousand dollars in any one year; *provided further, however*, that the compensation for such special counsel shall only be paid from funds derived from fines collected from prosecutions under the provisions of this act. Prosecution of violators.

CHAPTER 473.

An act making an appropriation for the prevention and extinguishment of fires in Tamalpais forest fire district.

[I object to the item in section 1: "annually the sum of five thousand dollars", and reduce the amount to "annually the sum of twenty-five hundred dollars". With this exception I approve the bill. Dated: June 22, 1923. F. W. RICHARDSON, Governor.]

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

Appropriation: prevention of fires in Tamalpais forest fire district, etc.

SECTION 1. Out of any money in the state treasury not otherwise appropriated there is hereby appropriated annually the sum of five thousand dollars during the seventy-fifth and seventy-sixth fiscal years, which money shall be used and expended for the purposes of preventing forest fires and the construction and maintenance of fire trails and fire breaks in the Tamalpais forest fire district in Marin county, California. The state board of control is hereby authorized and empowered to enter into a contract or contracts with the Tamalpais forest fire district, a public corporation of the State of California, for the purpose of protecting the area embraced in the Tamalpais forest fire district from devastation by fire; *provided, however*, that the expenditures for such purposes shall not be in excess of the amount expended by the said Tamalpais forest fire district; *provided, further*, that in the event the said Tamalpais forest fire district does not contribute an amount equal to the appropriation hereby made during the fiscal years herein above specified, the state board of control shall not have power to enter into such contract or contracts with the Tamalpais forest fire district for such expenditure of said money.

CHAPTER 474.

An act to amend section four thousand two hundred sixty-four of the Political Code, relating to the compensation of officers of counties of the thirty-fifth class.

[Approved June 22, 1923.]

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

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

Salaries and fees of officers.

4264. Counties of the thirty-fifth class, salaries of officers.

In counties of the thirty-fifth class the county and township officers shall receive, as compensation for the services required of them by law or by virtue of their offices the following salaries and fees to wit:

County clerk.

1. The county clerk, two thousand seven hundred dollars per annum, which shall be in full for all services, including registering voters and making the great register, excepting such services as are performed by said clerk as agent for the state; *provided*, that in counties of this class there shall be and is hereby allowed to the county clerk two deputies, who

shall be appointed by said county clerk, one of which deputies shall be paid a salary of one thousand eight hundred dollars per annum, and the other said deputy shall be paid a salary of one thousand two hundred dollars per annum, said salaries to be paid in monthly installments, at the same time, in the same manner, and out of the same fund as the county clerk is paid.

2. The sheriff, five thousand one hundred dollars per annum, and he is hereby allowed, in addition thereto, one undersheriff to be appointed by him, who shall receive one thousand eight hundred dollars per annum, whose salary shall be paid by the county, in monthly installments, at the same time, in the same manner, and out of the same fund as the sheriff is paid. Sheriff.

Said sheriff shall also have for his own use all fees, commissions and mileage for the service of all papers served by him and issued without his county.

3. The recorder, two thousand four hundred dollars per annum, in full of all services, and he is hereby allowed, in addition thereto, one deputy appointed by him, who shall be a copyist, and who shall receive one thousand two hundred dollars per annum, whose salary shall be paid by the county in monthly installments, at the same time, in the same manner, and out of the same fund as the recorder is paid; *provided*, that when the board of supervisors shall deem it necessary, it may allow the recorder an additional copyist, to be paid not more than five cents per folio for any work done by said copyist, said compensation to be paid monthly by the county; *provided, further*, that the fees heretofore allowed the recorder for his own use by section three thousand seventy-nine of the Political Code shall be hereafter paid into the county treasury. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation, and it is intended that the same shall apply immediately to the present incumbents. Recorder.

4. The auditor, two thousand four hundred dollars per annum, and he is hereby allowed one deputy, to be appointed by him, who shall receive one thousand five hundred dollars per annum, whose salary shall be paid in monthly installments, at the same time, in the same manner, and out of the same fund as the auditor is paid; *provided*, that if the board of supervisors in any year shall order or direct the auditor to prepare and compile its annual statistical report, and on so performing such services, he may be allowed a further sum not to exceed three hundred dollars, which said board of supervisors shall allow upon the completion and acceptance of the report; *provided, further*, that if the board of supervisors in any year shall order or direct the auditor to prepare and compile a report showing the classified annual pay roll of the county, and on so performing such services, he shall be allowed an additional sum of not to exceed one hundred dollars, to be allowed by said board of supervisors and paid by the county; *provided*, that the compensation herein provided for the auditor shall Auditor.

include the services heretofore compensated under the provisions of section four thousand ninety-nine *a*, Political Code, and it is hereby found as a fact that the changes provided for in this section do not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbents.

Treasurer.

5. The treasurer, two thousand four hundred dollars per annum; *provided*, that all commissions received by the treasurer on the collection of inheritance taxes shall be paid into the county treasury.

Tax and license collector.

6. The tax and license collector, two thousand one hundred dollars per annum, in full compensation for all services, and he is hereby allowed a deputy, to be appointed by him, for eight months of the year, at a compensation of one hundred twenty-five dollars per month, the salary of said deputy to be paid by the county in monthly installments, at the same time, in the same manner, and out of the same fund as the tax collector is paid.

Assessor.

7. The assessor, three thousand dollars per annum, in full compensation for all services, and he is hereby allowed, in addition thereto, such deputies and typists, to be appointed by him, as he may deem necessary to carry on the work of his office; *provided, however*, that not more than a total of four thousand dollars shall be paid in any year for such deputies and typists, no typist to be paid more than seventy-five dollars per month and no deputy to be paid more than eight dollars per day while engaged in the performance of their respective duties; *provided, further*, that the assessor shall be allowed his own necessary traveling expenses in the performance of his official duties as assessor.

District attorney.

8. The district attorney, two thousand one hundred dollars per annum, and he is hereby allowed, in addition thereto, one deputy appointed by him, who shall receive one thousand five hundred dollars per annum.

Coroner.

9. The coroner, such fees as are now, or may be hereafter allowed by law; *provided*, that for such miles necessarily traveled by him in going to and returning from the place of an inquest, he shall receive twenty-five cents per mile each way.

Public administrator.

10. The public administrator, such fees as are now, or may be hereafter allowed by law.

Superintendent of schools.

11. The superintendent of schools, two thousand one hundred dollars per annum, and necessary expenses in visiting schools in the county, not to exceed ten dollars for each school visited, to be allowed by the board of supervisors of the county; and there is hereby allowed one deputy, appointed by the superintendent of schools, who shall receive nine hundred dollars per annum, said salary to be paid by the county in monthly installments, at the same time, in the same manner, and out of the same fund as the superintendent of schools is paid.

Surveyor.

12. The surveyor, two thousand four hundred dollars per annum, which salary shall be in lieu of all fees and per diem heretofore allowed by law; *provided, however*, that the sur-

veyor shall be permitted by the board of supervisors to do outside work when his services are not required by the county.

13. For the purpose of regulating the compensation of justices of the peace and constables, townships in this class of counties are hereby classified according to their population, as shown by the federal census of one thousand nine hundred twenty as follows: Townships having a population of three thousand and more shall belong to and be known as townships of the first class; townships having a population of one thousand five hundred and less than three thousand shall belong to and be known as townships of the second class; townships having a population of one thousand three hundred and less than one thousand five hundred shall belong to and be known as townships of the third class; townships having a population of eight hundred and less than nine hundred shall belong to and be known as townships of the fourth class; townships having a population of nine hundred and less than one thousand three hundred shall belong to and be known as townships of the fifth class; and townships having a population of less than eight hundred shall belong to and be known as townships of the sixth class.

Classifica-
tion of
townships.

14. Justices of the peace shall receive the following salaries which shall be paid monthly out of the general fund of the county in the same manner as the salaries of county officers are paid, and shall be in full of all services, to wit: In townships of the first class, one hundred ten dollars per month; in townships of the second class, ninety dollars per month; in townships of the third class, sixty-five dollars per month; in townships of the fourth class, fifty dollars per month; in townships of the fifth class, fifteen dollars per month; and in townships of the sixth class, fifteen dollars per month.

Justices
of the peace.

15. Constables shall receive the following salaries, which shall be paid monthly, in the same manner as the salaries of county officers are paid out of the general fund of the county, and which shall be in full of all services rendered by them in criminal cases, to wit: In townships of the first class, one hundred dollars per month; in townships of the second class, seventy-five dollars per month; in townships of the third class, sixty dollars per month; in townships of the fourth class, forty-five dollars per month; in townships of the fifth class, fifteen dollars per month, and in townships of the sixth class, fifteen dollars per month. In addition to the monthly salaries herein allowed for services in criminal actions, cases and proceedings, each constable shall also be allowed all necessary expenses actually and properly incurred, in arresting and conveying prisoners to court or to prison, and also all necessary expenses actually incurred in the transportation of prisoners from prison to court, and the return of said prisoner to prison; and shall be allowed, also, for each mile actually traveled, both in going and coming in the service of subpoenas, in criminal actions, per mile, ten cents; which said expense and mileage shall be audited and allowed by the board of supervisors as

Constables.

Constables.

other claims against the county are audited and allowed, and shall be paid out of the county treasury.

In addition to the monthly salaries herein allowed for services in criminal actions and cases, each constable may, for his own use, collect the following fees, and no other, in civil actions:

For serving summons and complaint, for each defendant served, fifty cents.

For each copy of summons for service, when actually made by him, twenty-five cents.

For levying writ of attachment or execution, or executing order of arrest, or for the delivery of personal property, one dollar.

For serving writ of attachment or execution on any ship, boat or vessel, three dollars.

For keeping personal property, such sum as the court may order; but no more than one dollar and fifty cents per day shall be allowed for a keeper when necessarily employed.

For taking bond or undertaking, fifty cents.

For copies of writs and other papers, except summons, complaint and subpoenas, per folio, ten cents; *provided*, that when correct copies are furnished to him for use, no charge shall be made for such copies.

For serving any writ, notice, or order, except summons, complaint and subpoenas, for each person served fifty cents.

For writing and posting each notice of sale of property, fifty cents.

For furnishing notice for publication, twenty-five cents.

For serving subpoenas, each witness, including copy, twenty-five cents.

For collecting money on execution, one and one-half per cent.

For executing and delivering certificate of sale, fifty cents.

For executing and delivering constable's deed, one dollar and fifty cents.

For each mile actually traveled within his township in the service of any writ, order, or paper, in civil actions, in going only, per mile, twenty-five cents.

For traveling outside of his township to serve such writ, order, or paper, in civil actions, in going only, twenty-five cents per mile; *provided*, that a constable shall not be required to travel outside of his township to serve any civil process, order, or paper. No constructive mileage shall be charged, allowed, or paid in criminal or civil cases.

For each day's attendance in court, in civil cases, three dollars per day.

For executing a search warrant, two dollars; and for each mile necessarily traveled within his county in executing a search warrant, both in going and returning from the place of search, fifteen cents; said fee and mileage to be paid by the party demanding the search.

For summoning a jury, in civil cases, two dollars, including mileage.

For commissions for receiving and paying over money on execution without levy, or when the goods or land levied on shall not be sold, one per cent. The fees herein allowed for the levy of an execution, and for making or collecting the money on execution, shall be collected from the judgment debtor, by virtue of such execution, in the same manner as the sum herein directed to be paid.

16. It is expressly provided that in counties of this class, where a township has been created, or may hereafter be created out of any township, the population of which is shown in the federal census of nineteen hundred twenty, the population of the newly created township and the population of the township from which the newly created township was taken shall be separately ascertained and determined by the board of supervisors in the following manner: By appointing a suitable person in each of such townships to take said census, and said census shall be taken by said person so appointed of all the inhabitants of each of said townships; the full name of each person shall be fully written, the names alphabetically and regularly numbered in one complete series, and when completed shall be verified before any officer authorized to administer oaths, and be filed with the county clerk, and thereupon the same shall be the official census of said township or townships. The expense of taking said census shall be a county charge. From the taking of such census the salary of the justices of the peace and of the constables of the newly created township, and the township from which the newly created township was taken, shall be estimated and paid on the basis of the classification hereinbefore given under the federal census of nineteen hundred twenty pro rata according to the population of the newly created and former township as shown by the census taken as hereinbefore provided to be ascertained and determined by the board of supervisors. County officers must, and township officers may, demand the payment of all fees in advance. Justices of the peace shall, on or before the first Monday of each month, pay into the county treasury all moneys collected by them on fines imposed and collected and all moneys belonging to the county coming from any source.

Census of
new
township.

17. Each member of the board of supervisors, one thousand five hundred dollars per annum and ten cents per mile, one way between residence and county seat, in attending upon all regular, special or adjourned meetings of the board of supervisors; *provided*, that the chairman of the board of supervisors may receive twenty-five cents per mile, one way, between residence and the county seat, when attending at the county seat for the single purpose of counting the money in the county treasury as required by law.

Supervisors.

18. Grand jurors and trial jurors in the superior court in civil or criminal cases, shall receive, as compensation for each day's attendance, per day three dollars, and for each mile actually and necessarily traveled in attending court as such, in going only, per mile twenty-five cents. Witnesses in the justice

Jurors.

courts and trial jurors in the same, in civil or criminal cases, when sworn to try the case, shall receive as compensation for each day's attendance, two dollars, and for each mile actually and necessarily traveled in attending court as such, in going only, fifteen cents per mile.

CHAPTER 475.

An act to amend section four thousand two hundred forty-five of the Political Code, relating to the salaries and fees of officers in counties of the sixteenth class.

[Approved June 23, 1923.]

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

SECTION 1. Section four thousand two hundred forty-five of the Political Code is hereby amended to read as follows:

Salaries
and fees of
officers.

County
clerk.

4245. In counties of the sixteenth class the county officers shall receive as compensation for their services required of them by law, or by virtue of their offices, the following salaries, to wit: 1. The county clerk three thousand dollars per annum, and registration fees; all other fees of the clerk's office to be paid into the county treasury; *provided*, that in counties of this class there shall be a chief deputy clerk who shall be paid a salary of two thousand four hundred dollars per annum in equal monthly installments; said chief deputy, in addition to his other duties, to prepare all deeds for the county without extra cost to the county.

One deputy clerk for each department of the superior court in this class of counties who shall receive a salary of one thousand eight hundred dollars each per annum, to be paid in equal monthly installments, also one deputy clerk who shall be paid one thousand eight hundred dollars per annum, to be paid in equal monthly installments; and also a stenographer at a salary of one thousand five hundred dollars per annum; the salaries of said deputy clerks to be paid at the same time, and in the same manner, and out of the same fund as the salary of the county clerk, the clerk also to receive ten cents a name for each person registered, which shall be allowed by the board of supervisors of the county. He shall also be allowed not to exceed ten deputies for the purpose of registering electors, who shall be paid not to exceed five cents for each elector registered; that any of such deputies as are required to work in the office shall receive not to exceed four dollars per day for the time so employed. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbents.

Sheriff.

2. The sheriff, three thousand six hundred dollars per annum and mileage for the service of papers or process coming from courts other than those of his own county; *provided*, that in counties of this class there shall be one chief deputy

sheriff at two thousand one hundred dollars per annum, to be paid in equal monthly installments; and four deputy sheriffs at one thousand eight hundred eighty dollars per annum, to be paid in equal monthly installments. The sheriff may also, with the consent of the superior judge, when necessary for the care of the jury, appoint a woman as deputy sheriff who shall be paid a per diem of five dollars when actually engaged in the performance of her duties. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation and it is intended that the same apply immediately to the present incumbents.

3. The recorder, two thousand seven hundred dollars per annum; and said recorder shall collect and pay into the county treasury for the use and benefit of the county the fees required by law to be collected; *provided*, that in counties of this class there shall be one chief deputy recorder who shall receive a salary of two thousand one hundred dollars per annum, one indexing deputy recorder who shall receive a salary of one thousand eight hundred dollars per annum, and three deputies who shall each receive a salary of one thousand five hundred dollars per annum, and such copyists as are necessary to perform the duties of the office, at a compensation of five cents per folio, the salaries of said recorder, deputies and copyists to be paid in equal monthly installments by the county. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbents. Recorder.

4. The auditor, two thousand seven hundred dollars per annum; *provided*, that in counties of this class there shall be one deputy auditor who shall receive a salary of two thousand four hundred dollars per annum and one deputy auditor who shall receive a salary of one thousand five hundred dollars per annum. The auditor may also be allowed by the board of supervisors, a sum not exceeding one thousand dollars per annum for additional clerical help when, in the opinion of the board of supervisors, such assistance is necessary. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbents. Auditor.

5. The treasurer, one thousand eight hundred dollars per annum and the fees and commissions now or hereafter allowed by law. Treasurer.

6. The tax collector, one thousand eight hundred dollars per annum, and the fees and commissions now or hereafter allowed by law; *provided*, that in counties of this class, there shall be one deputy tax collector who shall receive a salary of two thousand one hundred dollars per annum, to be paid in equal monthly installments at the same time and out of the same fund as the salary of the tax collector; *also provided*, that in counties of this class there shall be one deputy tax Tax collector.

collector for not exceeding four months in each year at a salary of one hundred fifteen dollars per month, also one deputy tax collector for not exceeding six months in each year, at one hundred fifteen dollars per month, said salaries to be paid by the county out of the same fund as the tax collector's. The tax collector may also be allowed by the board of supervisors, a sum not exceeding five hundred dollars per annum for additional clerical help when, in the opinion of the board of supervisors, such assistance is necessary. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbents.

Assessor.

7. The assessor, two thousand seven hundred dollars per annum, and the fees and commissions now or hereafter allowed by law; *provided*, that in counties of this class there shall be allowed two deputies who shall be appointed by the assessor, one to receive a salary of two thousand one hundred dollars per annum and one to receive a salary of one thousand eight hundred dollars per annum in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the assessor is paid. It shall be the duty of said deputies, among other things, to make and correct all necessary plats, maps, and block-books for the assessor's office; *provided, also*, that for each name upon the assessment-roll, representing one or more statements in excess of ten thousand, the assessor shall receive fifty cents. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbents.

District attorney.

8. The district attorney, two thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be one deputy district attorney at a salary of one thousand three hundred dollars per annum, and one deputy district attorney at a salary of one thousand dollars per annum to be paid in equal monthly installments by the county. In addition, the district attorney shall be allowed one stenographer who shall be paid a salary of one thousand dollars per annum, to be paid in equal monthly installments by the county. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbents.

Coroner.

9. The coroner, such fees as are now or may hereafter be allowed by law.

Public administrator.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

Superintendent of schools.

11. The superintendent of schools, two thousand seven hundred dollars per annum. He shall also be allowed his actual traveling expenses when visiting the schools of the county, which expenses shall not exceed the sum of one thousand dollars in any one year. He shall receive five dollars per day for his services while serving as secretary of the

board of education. The superintendent of schools shall be allowed one deputy, to be appointed by the principal, who shall receive as salary two thousand dollars per annum; also one deputy, who shall receive a salary of one thousand five hundred dollars per annum; one deputy for not exceeding three months in each year, at a salary of one hundred dollars per month; said salaries of deputies to be paid in equal monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the superintendent of schools is paid. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbents.

12. The surveyor shall receive three thousand dollars per annum, and in addition thereto, all actual traveling and other necessary expenses incurred in connection with field work. He shall have one deputy county surveyor at a salary of two thousand one hundred dollars per annum, and one draftsman at a salary of one thousand eight hundred dollars per annum, said deputy and draftsman to be appointed by the principal and paid at the same time and in the same manner as the county surveyor. It shall be the duty of the surveyor among other things, to make all necessary county and road maps, and all necessary plans and specifications for bridge work and county buildings: *provided, however*, that when in the judgment of the board of supervisors of the county, it is necessary to employ additional assistance for the performance of said work, other than with regard to roads, the board of supervisors may allow the necessary actual expense thereof. Also to prepare all maps or plats necessary to accompany reports made by him on road work, and prepare and keep all the necessary and proper records in his office; *provided*, he shall receive nothing for preparing any map or plat necessary to accompany reports made by him on road work, nor for preparing and keeping the proper records in his office. He shall at all times be subject to the orders of the board of supervisors. The office of the county surveyor shall be kept open for the accommodation of the public, with the surveyor, a deputy, or a competent clerk in charge from nine o'clock a.m. until five o'clock p.m., the same as other county offices. The county surveyor shall be allowed the services of a competent clerk, to be appointed by the principal, and receive a salary of one thousand two hundred dollars per annum, to be paid out of the same fund, at the same time and in the same manner as other county officers are paid. Such compensation and salaries as above set forth shall be in full for all services as such county surveyor, and all fees and compensation received or collected by him for services other than for the county, shall be paid into the county treasury. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbents.

Classification of townships.

13. For the purpose of regulating the compensation of justices of the peace and constables, townships of this class of counties are hereby classified according to their population, as shown by the total number of registered voters, in each township, at the next preceding general election, prior to the fixing of the classification, the said population to be determined by multiplying the said total number of registered voters by three and one-half; townships having a population of fifteen thousand and more shall belong to and be known as townships of the first class; townships having a population of eight thousand and less than fifteen thousand shall belong to and be known as townships of the second class; townships having a population of three thousand and less than eight thousand shall belong to and be known as townships of the third class; townships having a population of one thousand and less than three thousand shall belong to and be known as townships of the fourth class; townships having a population of less than one thousand shall belong to and be known as townships of the fifth class; *provided*, that the board of supervisors of the county may, prior to any general election, consolidate two or more of such townships into one.

Justices of the peace.

13a. Justices of the peace shall receive the following monthly salaries, to be paid each month as county officers are paid, which shall be in full compensation for all services rendered by them, to wit: In townships of the first class, one hundred seventy-five dollars per month; *provided*, in townships of this class the justice of the peace shall be allowed a clerk, which position is hereby created. Such clerk shall be appointed by the justice of the peace of said township and shall hold office during the pleasure of said justice of the peace. He shall have authority to receive and file all pleadings and other papers to be filed; sign and issue summons and process, including writs of attachment and execution; enter satisfaction of judgments; issue transcripts and abstracts thereof and shall have authority to administer and certify oaths and take and certify affidavits in any action, suit or proceedings in said justice's court.

The clerk shall be in attendance on the court in the court room of said justice's court for the dispatch of official business, daily, legal holidays excepted, from the hour of nine o'clock a.m. until five o'clock p.m. of each day.

Such clerk shall receive a salary of one hundred dollars per month, payable monthly in the same manner as salaries of county officers are paid.

In townships of the second class, one hundred dollars per month; in townships of the third class, seventy-five dollars per month; in townships of the fourth class, thirty dollars per month; in townships of the fifth class, twenty dollars per month. Each justice must pay into the county treasury once a month all fees and fines collected by him. Justices of the peace of the first class are required to keep their offices open from nine o'clock a.m. until five o'clock p.m. In townships of the first, second and third classes the board of supervisors shall furnish adequate office room, in all other townships all justices shall

be allowed not to exceed five dollars per month for office rent. These salaries shall also apply to incumbents.

14. Constables shall receive the following monthly salaries, ^{Constables.} to be paid each month as the county officers are paid, which shall be in full compensation for all services rendered by them in criminal cases, to wit: In townships of the first class, one hundred twenty-five dollars; in townships of the second class, one hundred dollars; in townships of the third class, eighty dollars; in townships of the fourth class, sixty dollars; in townships of the fifth class, forty dollars. In addition to the monthly salaries herein allowed, each constable may receive and retain for his own use, such fees as are now allowed or may hereafter be allowed by law, for all services rendered by him in civil actions, and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or to prison, which expenses shall be audited and allowed by the board of supervisors, and paid out of the county treasury; *provided, further*, that when a constable is required to go out of his own county to serve a warrant of arrest or any other papers in a criminal case, he shall be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or to prison, which expenses shall be audited by the board of supervisors. These salaries shall also apply to incumbents.

15. Supervisors shall receive the sum of two thousand one ^{Supervisors.} hundred dollars per annum, each, and mileage at the rate of ten cents per mile for each mile traveled in coming to and from the meetings of the board; *provided*, that only one mileage at any one session of the board shall be allowed. They shall act as road commissioners in their respective districts. The change in compensation hereby made is not an increase in compensation of a county officer and shall become operative as soon as this act takes effect.

15½. In counties of the sixteenth class the salary of the ^{Librarian.} county librarian shall be two thousand one hundred dollars per annum; *provided*, that in counties of the sixteenth class when the county librarian also acts as city librarian that he may receive additional compensation from said city for which he acts as city librarian. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbents.

16. Witnesses in criminal cases and in cases of dependent ^{Witnesses.} and delinquent persons shall receive two dollars per day, and ten cents per mile for each mile actually traveled, one way only. The court shall make an order directing the auditor to draw his warrant on the county treasury for the amount due, and the treasurer shall pay the same. The court may disallow any fee to a witness unnecessarily subpoenaed.

17. Jurors in a county of this class, both grand and petty ^{Jurors.} jurors in the superior court, shall each receive for each day's attendance, per day, the sum of three dollars, and for each mile actually and necessarily traveled from their residence to the

county seat in going only. the sum of twenty cents per mile, such mileage to be allowed but once during each session such jurors are required to attend. The court shall make an order directing the auditor to draw his warrant on the county treasury for the amount due, and the treasurer shall pay the same.

Traffic
officer.

18. There is hereby created for counties of this class a traffic officer, who shall receive a salary of two hundred dollars per month, said officer to provide and maintain his equipment and all costs of operating thereof.

The traffic officer shall be allowed not to exceed four deputies. Each of such deputies shall receive a salary of one hundred seventy-five dollars a month, and shall provide and maintain his equipment and all costs of operating the same.

Such traffic officer and his deputies shall be appointed by the board of supervisors, and shall hold office for the period provided by law; *provided, however,* that the board of supervisors shall have authority at any time to remove such officer, or any of said deputies.

This act shall go into effect immediately, and apply to all present incumbents, except as herein expressly provided and excepted.

CHAPTER 476.

An act to amend section two thousand three hundred twenty-two, two thousand three hundred twenty-two a, two thousand three hundred twenty-two b, two thousand three hundred twenty-two c, two thousand three hundred twenty-two d, two thousand three hundred twenty-two e, two thousand three hundred twenty-two f, two thousand three hundred twenty-two g, two thousand three hundred twenty-two h, two thousand three hundred twenty-two i and two thousand three hundred twenty-two j of the Political Code, relating to agriculture.

[Approved June 22, 1923.]

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

SECTION 1. Section two thousand three hundred twenty-two of the Political Code is hereby amended to read as follows:

County
horticultural
com-
missioner.

2322. (1) The office of county horticultural commissioner is hereby created. Whenever in this act the term "commissioner" is used, the same shall be taken to mean and refer to county horticultural commissioner. Within thirty days after this act shall become effective, it shall be the duty of the board of supervisors of each of the counties of the state to appoint a county horticultural commissioner for their respective county from a list of names of persons eligible to hold such position, which list must be furnished from time to time by the state director of agriculture, as required. If, at any time, a vacancy shall occur in the office of said commissioner, such vacancy must be filled by appointment by the board of supervisors

Appoint-
ment.

Vacancies.

within thirty days after such vacancy occurs, and from a list of all persons eligible, which list must be furnished to the board of supervisors by the state director of agriculture. The term of office of said commissioner shall be for four years from and after his appointment and until his successor shall be appointed and qualified, but he shall be subject to removal after complaint made by petition and trial, had in the manner provided in subdivision numbers sixty-four and sixty-five of this section. Prior to entering upon the discharge of the duties of his office, the commissioner shall file with the county clerk the oath of office prescribed for county officers and shall give a bond conditioned for the faithful performance of his duties, with sufficient sureties approved by a judge of the superior court in the sum of one thousand dollars. Such commissioner shall have power to appoint, subject to removal at his pleasure, persons duly qualified as hereinafter provided, to fill the several offices of deputy horticultural commissioner, inspector and clerk, hereinafter provided, and the salary of the said commissioner, and all the deputies, inspectors and clerks so appointed in the several counties shall be as follows, to wit:

Term of office.

Official oath and bond.

Deputies, etc.

(2) In counties of the first class, the commissioner shall receive a salary of three thousand nine hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

Counties of 1st class; salary.

(a) Three deputy horticultural commissioners at a salary of two thousand four hundred dollars each per annum.

Deputies.

(b) The commissioner is also authorized and empowered to appoint not to exceed thirty inspectors at a monthly salary of one hundred fifty dollars each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed fifty-four thousand dollars.

Inspectors.

(c) The commissioner is also authorized and empowered to appoint not to exceed two clerks at a monthly salary of one hundred forty dollars each during the time actually employed and not to exceed one clerk at a monthly salary of one hundred fifty dollars during the time actually employed, and not to exceed one clerk at a monthly salary of two hundred dollars during the time actually employed, but the aggregate amount which may be expended in any year for all such clerks shall not exceed seven thousand five hundred sixty dollars.

Clerks.

(3) In counties of the second class, the commissioner shall receive a salary of three thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the commissioner the following deputy and inspector to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

Counties of 2d class; salary, etc.

(a) One deputy horticultural commissioner at a salary of two thousand four hundred dollars per annum.

(b) One inspector at a monthly salary of one hundred seventy-five dollars per month during the time actually employed, but the aggregate amount which may be expended in any year for such inspector shall not exceed two thousand one hundred dollars.

Counties
of 3d class;
compen-
sation, etc.

(4) In counties of the third class, the commissioner shall receive a compensation of six dollars per diem during the time actually employed, but the aggregate amount which may be expended in any year for the commissioner shall not exceed one thousand eight hundred dollars; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies and inspectors to be appointed by said commissioner, which positions are hereby created and the salaries are hereby fixed as follows, to wit:

(a) Two deputy county horticultural commissioners at a compensation of five dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such deputies shall not exceed three thousand dollars.

(b) The commissioner is also authorized and empowered to appoint not to exceed two inspectors at a compensation of three dollars and a half per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed two thousand sixty dollars.

Counties
of 4th class;
salary, etc.

(5) In counties of the fourth class, the commissioner shall receive a salary of three thousand six hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies and inspectors to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows to wit:

(a) One deputy county horticultural commissioner at a salary of two thousand one hundred dollars per annum.

(b) Two inspectors at a compensation of five dollars and a half per diem each during the time actually employed, but the aggregate amount which may be expended in any year for such inspectors shall not exceed four thousand dollars.

(c) The commissioner is also authorized and empowered to appoint not to exceed eighteen inspectors at a compensation of four dollars and a half per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed twenty-one thousand dollars.

(d) The commissioner is also authorized and empowered to appoint not to exceed one clerk at a monthly salary of one hundred twenty-five dollars during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed one thousand five hundred dollars.

Counties
of 5th class;
salary, etc.

(6) In counties of the fifth class, the commissioner shall receive a salary of three thousand six hundred dollars per annum; *provided*, that in counties of this class, there shall be

and there is hereby allowed to the commissioner the following inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) Six inspectors at a monthly salary of one hundred thirty dollars each during the time actually employed, one inspector at a compensation of five dollars per diem each during the time actually employed, one inspector at a compensation of four dollars and a half per diem during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed twelve thousand two hundred sixty dollars.

(b) One clerk at a monthly salary of one hundred dollars during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed one thousand two hundred dollars.

(7) In counties of the sixth class, the commissioner shall receive a compensation of ten dollars per diem during the time actually employed, but the aggregate amount which may be expended in any year for such commissioner shall not exceed three thousand dollars; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies and inspectors to be appointed by said commissioner, which positions are hereby created and the salaries are hereby fixed as follows, to wit:

Counties
of 6th class;
compen-
sation, etc.

(a) Two deputy county horticultural commissioners at a compensation of eight dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such deputies shall not exceed four thousand eight hundred dollars.

(b) The commissioner is also authorized and empowered to appoint not to exceed two inspectors at a compensation of five dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed one thousand five hundred dollars.

(8) In counties of the seventh class, the commissioner shall receive a salary of two thousand four hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

Counties
of 7th class;
salary, etc.

(a) Two inspectors, class A, at a compensation of five dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed three thousand four hundred dollars.

(b) Two inspectors, class B, at a compensation of four dollars and a half per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed three thousand fifty dollars.

(c) Four inspectors, class C, at a compensation of four dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed two thousand eight hundred eighty dollars.

Counties
of 8th class;
salary, etc.

(9) In counties of the eighth class, the commissioner shall receive a salary of two thousand four hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies and inspectors to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) Two deputy county horticultural commissioners at a compensation of six dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such deputies shall not exceed three thousand six hundred dollars.

(b) The commissioner is also authorized and empowered to appoint not to exceed fifteen inspectors at a compensation of five dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed fifteen thousand seven hundred fifty dollars.

Counties
of 9th class;
salary, etc.

(10) In counties of the ninth class, the commissioner shall receive a salary of two thousand four hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors and clerks to be appointed by said commissioner, which positions are hereby created and the salaries are hereby fixed as follows, to wit:

(a) Fifteen inspectors at a compensation of five dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed twenty-two thousand five hundred dollars.

(b) One clerk at a monthly salary of one hundred dollars during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed one thousand two hundred dollars.

Counties of
10th class;
salary, etc.

(11) In counties of the tenth class, the commissioner shall receive a salary of four thousand two hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) Two deputy county horticultural commissioners at a salary of three thousand dollars each per annum.

(b) The commissioner is also authorized and empowered to appoint not to exceed ten inspectors at a monthly salary of one hundred fifty dollars each during the time actually employed, three inspectors at a monthly salary of one hundred thirty dollars each during the time actually employed, two

inspectors at a compensation of five dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed twenty-five thousand six hundred eighty dollars.

(c) The commissioner is also authorized and empowered to appoint not to exceed one clerk at a monthly salary of one hundred and twenty-five dollars during the time actually employed, one clerk at a monthly salary of one hundred dollars during the time actually employed, but the aggregate amount which may be expended in any year for all such clerks shall not exceed two thousand seven hundred dollars.

(12) In counties of the eleventh class, the commissioner shall receive a salary of three thousand dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner, which positions are hereby created and the salaries are hereby fixed as follows, to wit:

Counties of
11th class;
salary, etc.

(a) One deputy county horticultural commissioner at a salary of two thousand one hundred dollars each per annum.

(b) The commissioner is also authorized and empowered to appoint not to exceed ten inspectors at a monthly salary of one hundred fifty dollars each during the time actually employed, thirteen inspectors at a monthly salary of one hundred thirty dollars each during the time actually employed, thirty-five inspectors at a compensation of four dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed sixty-three thousand dollars.

(c) The commissioner is also authorized and empowered to appoint not to exceed two clerks at a monthly salary of one hundred twenty-five dollars each during the time actually employed, one clerk at a monthly salary of one hundred dollars during the time actually employed, but the aggregate amount which may be expended in any year for all such clerks shall not exceed four thousand two hundred dollars.

(13) In counties of the twelfth class, the commissioner shall receive a salary of three thousand dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner, which positions are hereby created and the salaries are hereby fixed as follows, to wit:

Counties of
12th class;
salary, etc.

(a) One deputy county horticultural commissioner at a salary of two thousand one hundred dollars per annum.

(b) The commissioner is also authorized and empowered to appoint not to exceed nine inspectors at a monthly salary of one hundred fifty dollars each, during the time actually employed; five inspectors at a monthly salary of one hundred thirty dollars each during the time actually employed; eight inspectors at a compensation of four dollars per diem each

during the time actually employed and eight inspectors at a compensation of five dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed twenty-six thousand seven hundred dollars.

(c) The commissioner is also authorized and empowered to appoint not to exceed one clerk at a salary of one hundred twenty-five dollars per month during the time actually employed, and two clerks at a monthly salary of one hundred dollars each during the time actually employed, but the aggregate amount which may be expended in any year for all such clerks shall not exceed two thousand dollars.

Counties of
13th class;
compensation, etc.

(14) In counties of the thirteenth class, the commissioner shall receive a compensation of two thousand four hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) Eight inspectors at a salary of five dollars and a half per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed four thousand eight hundred dollars.

(b) The commissioner is also authorized and empowered to appoint not to exceed one clerk, at a salary of twenty-five dollars per month during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed three hundred dollars.

Counties of
14th class;
salary, etc.

(15) In counties of the fourteenth class, the commissioner shall receive a salary of three thousand dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors and clerks to be appointed by said commissioner, which positions are hereby created and the salaries are hereby fixed as follows, to wit:

(a) One inspector at a monthly salary of one hundred fifty dollars during the time actually employed, four inspectors at a compensation of four dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed six thousand three hundred dollars.

(b) One clerk at a monthly salary of one hundred dollars during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed one thousand two hundred dollars.

Counties of
15th class;
salary, etc.

(16) In counties of the fifteenth class, the commissioner shall receive a salary of two thousand eight hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) One deputy county horticultural commissioner at a salary of one thousand eight hundred dollars per annum.

(b) The commissioner is also authorized and empowered to appoint not to exceed two inspectors at a monthly salary of one hundred fifty dollars each during the time actually employed; twelve inspectors at a monthly salary of one hundred forty dollars each during the time actually employed, and three inspectors at a compensation of five dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed twenty-five thousand dollars.

(c) The commissioner is also authorized and empowered to appoint not to exceed one clerk at a monthly salary of one hundred ten dollars per month during the time actually employed.

(17) In counties of the sixteenth class, the commissioner shall receive a salary of three thousand dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

Counties of
16th class;
salary, etc.

(a) Eleven inspectors at a compensation of five dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed fifteen thousand one hundred fifty dollars.

(b) One clerk at a monthly salary of one hundred twenty-five dollars during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed one thousand five hundred dollars.

(18) In counties of the seventeenth class, the commissioner shall receive a salary of three thousand dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

Counties of
17th class;
salary, etc.

(a) One deputy county horticultural commissioner at a salary of two thousand four hundred dollars per annum.

(b) The commissioner is also authorized and empowered to appoint not to exceed thirty inspectors at a compensation of five dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any year for inspectors shall not exceed seven thousand five hundred dollars.

(c) The commissioner is also authorized and empowered to appoint not to exceed one clerk at a monthly salary of one hundred dollars during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed one thousand two hundred dollars.

Counties of
18th class;
salary, etc.

(19) In counties of the eighteenth class, the commissioner shall receive a salary of three thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) One deputy county horticultural commissioner at a salary of two thousand one hundred dollars per annum.

(b) The commissioner is also authorized and empowered to appoint not to exceed four inspectors at a monthly salary of one hundred fifty dollars each during the time actually employed, and two inspectors at a monthly salary of one hundred twenty-five dollars each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed ten thousand two hundred dollars.

(c) The commissioner is also authorized and empowered to appoint not to exceed one clerk at a monthly salary of one hundred twenty-five dollars during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed one thousand five hundred dollars.

Counties of
19th class;
salary, etc.

(20) In counties of the nineteenth class, the commissioner shall receive a salary of two thousand four hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) Four inspectors at a compensation of five dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any year for such inspectors shall not exceed two thousand seven hundred ninety dollars.

(b) One clerk at a monthly salary of seventy-five dollars during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed nine hundred dollars.

Counties of
20th class;
compen-
sation, etc.

(21) In counties of the twentieth class, the commissioner shall receive a compensation of two thousand four hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) One inspector at a compensation of five dollars per diem during the time actually employed, but the aggregate amount which may be expended in any year for such inspector shall not exceed one thousand dollars.

Counties of
21st class;
salary, etc.

(22) In counties of the twenty-first class, the commissioner shall receive a salary of two thousand one hundred dollars per

annum: *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) Two inspectors at a monthly salary of one hundred dollars each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed two thousand four hundred dollars.

(23) In counties of the twenty-second class, the commissioner shall receive a salary of two thousand four hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies and inspectors to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

Counties of
22d class:
salary, etc.

(a) One deputy county horticultural commissioner at a salary of one thousand five hundred dollars per annum during the time actually employed, but the aggregate amount which may be expended in any year for such deputy shall not exceed one thousand five hundred dollars.

(b) The commissioner is also authorized and empowered to appoint not to exceed eight inspectors at a compensation of three dollars and a half per diem, each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed four thousand dollars.

(24) In counties of the twenty-third class, the commissioner shall receive a salary of three thousand dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

Counties of
23d class:
salary, etc.

(a) One deputy county horticultural commissioner at a salary of one thousand eight hundred dollars per annum.

(b) The commissioner is also authorized and empowered to appoint not to exceed six inspectors at a monthly salary of one hundred thirty dollars each during the time actually employed; two inspectors at a monthly salary not to exceed one hundred ten dollars each during the time actually employed, and two inspectors at a monthly salary not to exceed ninety dollars each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed fourteen thousand one hundred sixty dollars.

(c) The commissioner is also authorized and empowered to appoint not to exceed two clerks at a monthly salary of one hundred dollars each during the time actually employed, but the aggregate amount which may be expended in any year for all such clerks shall not exceed two thousand four hundred dollars.

Counties of
24th class;
salary, etc.

(25) In the counties of the twenty-fourth class, the commissioner shall receive a salary of two thousand four hundred dollars per annum, which shall be payment in full for all services rendered and expenses incurred in the performance of the duties of horticultural commissioner; *provided*, that in counties of this class there shall be allowed to the commissioner the following inspectors and clerk, to be appointed by the commissioner, which positions are hereby created, and at the salaries as hereby fixed, to wit:

(a) Three inspectors, at a compensation of four dollars per day each, during such time as actually employed, but the aggregate amount which may be expended for all such inspectors in any one year shall not exceed the sum of two thousand four hundred dollars.

(b) One clerk, at a compensation of ten dollars per month, during such time as actually employed, but not to exceed the sum of one hundred twenty dollars per year.

Counties of
25th class;
compensation, etc.

(26) In counties of the twenty-fifth class, the commissioner shall receive a compensation of six dollars per diem during the time actually employed, but the aggregate amount which may be expended in any year for the commissioner shall not exceed one thousand eight hundred dollars.

Counties of
26th class;
compensation, etc.

(27) In counties of the twenty-sixth class, the commissioner shall receive a compensation of two thousand one hundred dollars per annum and eight cents per mile one way for every mile actually traveled in the performance of his duty as commissioner; *provided*, that in counties of this class there shall be and there is hereby allowed to the commissioner the following inspectors to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) Two inspectors at a compensation of five dollars per diem each during the time actually employed. *Providing, further*, that the board of supervisors may at any time declare the office of commissioner vacant.

Counties of
27th class;
salary, etc.

(28) In counties of the twenty-seventh class, the commissioner shall receive a salary of two thousand four hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) Ten inspectors at a compensation of three dollars and a half per diem each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed eleven thousand five hundred dollars.

(b) The commissioner is also authorized and empowered to appoint not to exceed one clerk at a monthly salary of one hundred dollars during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed one thousand two hundred dollars.

(29) In counties of the twenty-eighth class, the commissioner shall receive a salary of one thousand seven hundred fifty dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner one inspector, to be appointed by said commissioner, which position is hereby created, and whose salary is hereby fixed as follows, to wit:

Counties of
28th class;
salary, etc.

(a) One inspector at a compensation of three dollars and a half per diem, during the time actually employed, but the aggregate amount which may be expended in any year for such inspector shall not exceed two hundred fifty dollars.

(30) In counties of the twenty-ninth class, the commissioner shall receive a salary of two thousand two hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

Counties of
29th class;
salary, etc.

(a) One deputy county horticultural commissioner at a salary of one thousand five hundred dollars per annum.

(b) The commissioner is also authorized and empowered to appoint not to exceed three inspectors at a monthly salary of one hundred dollars each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed two thousand four hundred dollars per year.

(c) The commissioner is also authorized and empowered to appoint not to exceed one clerk at a salary of one thousand dollars per annum, but the aggregate amount which may be expended in any year for such clerk shall not exceed one thousand dollars.

(31) In counties of the thirtieth class, the commissioner shall receive a salary of two thousand four hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies and inspectors to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

Counties of
30th class;
salary, etc.

(a) One deputy county horticultural commissioner at a salary of one thousand eight hundred dollars per annum.

(b) The commissioner is also authorized and empowered to appoint not to exceed two inspectors at a compensation of five dollars per diem each, during the time actually employed, and four inspectors at a compensation of four dollars per diem each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed four thousand dollars.

(32) In counties of the thirty-first class, the commissioner shall receive a salary of two thousand four hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors and clerks, to be appointed by said commissioner,

Counties of
31st class;
salary, etc.

which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) Two inspectors at a monthly salary of one hundred twenty-five dollars each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed one thousand dollars per year.

(b) The commissioner is also authorized and empowered to appoint not to exceed one clerk at a monthly salary of seventy-five dollars, during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed nine hundred dollars per year.

Counties of
33d class;
salary, etc.

(33) In counties of the thirty-second class, the commissioner shall receive a salary of one thousand eight hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) Ten inspectors at a compensation of five dollars per diem each, during the time actually employed; three inspectors at a compensation of four dollars and a half per diem each, during the time actually employed; three inspectors at a salary of three dollars and a half per diem each, during the time actually employed, but the aggregate amount which may be expended in any one year for all such inspectors shall not exceed six thousand dollars per year.

(b) The commissioner is also authorized and empowered to appoint not to exceed one clerk at a compensation of three dollars and a half per diem, during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed one hundred dollars.

Counties of
33d class;
salary, etc.

(34) In counties of the thirty-third class, the commissioner shall receive a salary of one thousand eight hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies and inspectors to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) One deputy county horticultural commissioner at a compensation of five dollars per diem during the time actually employed, but the aggregate amount which may be expended in any year for such deputy shall not exceed five hundred dollars.

(b) The commissioner is also authorized and empowered to appoint not to exceed four inspectors at a compensation of four dollars and a half per diem each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed one thousand two hundred dollars.

Counties of
34th class;
salary, etc.

(35) In counties of the thirty-fourth class, the commissioner shall receive a salary of two thousand four hundred dollars

per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and clerk to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) One deputy county horticultural commissioner at a compensation of six dollars per diem, during the time actually employed, but the aggregate amount which may be expended in any year for such deputy shall not exceed one thousand eight hundred dollars.

(b) The commissioner is also authorized and empowered to appoint not to exceed seven inspectors at a compensation of five dollars per diem each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed ten thousand five hundred dollars.

(c) The commissioner is also authorized and empowered to appoint not to exceed one clerk, at a monthly salary of one hundred dollars, during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed one thousand two hundred dollars.

(36) In counties of the thirty-fifth class, the commissioner shall receive a compensation of six dollars per diem, during the time actually employed, but the aggregate amount which may be expended in any year for such commissioner shall not exceed one thousand eight hundred dollars; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

Counties of
35th class;
compensation, etc.

(a) Three inspectors at a compensation of three dollars and a half per diem each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed three thousand and sixty dollars.

(37) In counties of the thirty-sixth class, the commissioner shall receive a salary of two thousand dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

Counties of
36th class;
salary, etc.

(a) Three inspectors at a compensation of three dollars and a half per diem each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed one thousand five hundred dollars.

(38) In counties of the thirty-seventh class, the commissioner shall receive a salary of two thousand four hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the

Counties of
37th class;
salary, etc.

following inspectors and clerk, to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) Four inspectors at a compensation of four dollars and a half per diem each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed five thousand six hundred dollars.

(b) The commissioner is also authorized and empowered to appoint not to exceed one clerk at a monthly salary of ninety dollars, during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed one thousand eighty dollars.

Counties of
38th class;
salary, etc.

(39) In counties of the thirty-eighth class, the commissioner shall receive a salary of two thousand four hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) One deputy county horticultural commissioner at a salary of one thousand eight hundred dollars per annum.

(b) The commissioner is also authorized and empowered to appoint not to exceed one inspector at a monthly salary of one hundred twenty dollars, during the time actually employed, and three inspectors at a compensation of four dollars per diem each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed five thousand forty dollars.

(c) The commissioner is also authorized and empowered to appoint not to exceed one clerk, at a salary of three dollars per diem, during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed nine hundred dollars.

Counties of
39th class;
compensation, etc.

(40) In counties of the thirty-ninth class, the commissioner shall receive a compensation of seven dollars per diem, during the time actually employed, but the aggregate amount which may be expended in any year for such commissioner shall not exceed two thousand one hundred dollars; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) Two inspectors at a compensation of four dollars per diem, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed one thousand two hundred dollars.

Counties of
40th class;
salary, etc.

(41) In counties of the fortieth class, the commissioner shall receive a salary of three thousand dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors

to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) Two inspectors at a compensation of six dollars per diem each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed three thousand six hundred dollars.

(42) In counties of the forty-first class, the commissioner shall receive a salary of three thousand six hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

Counties of
41st class;
salary, etc.

(a) Fifteen inspectors at a compensation of six dollars per diem each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed twelve thousand dollars.

(b) The commissioner is also authorized and empowered to appoint not to exceed one clerk, at a monthly salary of one hundred dollars, during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed one thousand two hundred dollars.

(43) In counties of the forty-second class, the commissioner shall receive a compensation of six dollars per diem, during the time actually employed; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies and inspectors to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

Counties of
42d class;
compensation, etc.

(a) One deputy county horticultural commissioner at a compensation of five dollars per diem, during the time actually employed, but the aggregate amount which may be expended in any year for such deputy shall not exceed one thousand five hundred dollars.

(b) The commissioner is also authorized and empowered to appoint not to exceed three inspectors at a compensation of three dollars and a half per diem each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed two thousand dollars.

(44) In counties of the forty-third class, the commissioner shall receive a salary of two thousand four hundred dollars per annum, together with the amount of his actual traveling expenses; *provided*, that in counties of this class, there shall be allowed to the commissioner the following inspector and clerk, to be appointed by the commissioner, which positions are hereby created, and at the salaries as hereby fixed, as follows, to wit:

Counties of
43d class;
salary, etc.

(a) One inspector, at a compensation of four dollar per day, during such time as actually employed, but the aggregate amount which may be expended for such inspector

in any one year shall not exceed the sum of one thousand five hundred dollars.

Counties of
44th class;
salary, etc.

(45) In counties of the forty-fourth class, the commissioner shall receive a salary of two thousand four hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies and inspectors to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) One deputy county horticultural commissioner at a salary of one hundred fifty dollars per month, during the time actually employed but the aggregate amount which may be expended in any year for such deputy horticultural commissioner shall not exceed one thousand eight hundred dollars.

(b) The commissioner is also authorized and empowered to appoint not to exceed five inspectors, at a monthly salary of one hundred twenty-five dollars each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed seven thousand five hundred dollars.

Counties of
45th class.

(46) In counties of the forty-fifth class the commissioner shall receive a salary of one dollar per annum.

Counties of
46th class.

(47) In counties of the forty-sixth class, the commissioner shall receive a salary of two thousand four hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following clerk, to be appointed by said commissioner, which position is hereby created, and the salary is hereby fixed as follows, to wit:

(a) One clerk, at a monthly salary of eighty dollars, during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed nine hundred sixty dollars.

Counties of
47th class.

(48) In counties of the forty-seventh class, the commissioner shall receive a salary of one thousand eight hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors, to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) One inspector at a compensation of five dollars per diem, during the time actually employed, and one inspector at four dollars per diem each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed six hundred dollars.

Counties of
48th class.

(49) In counties of the forty-eighth class, the commissioner shall receive a salary of six dollars per diem, during the time actually employed but the aggregate amount which may be expended in any year for such commissioner shall not exceed one thousand eight hundred dollars; *provided*, that in counties of this class, there shall be and there is hereby allowed to

the commissioner the following deputies, inspectors and clerks, to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) One deputy county horticultural commissioner at a salary of one thousand eight hundred dollars per annum.

(b) The commissioner is also authorized and empowered to appoint not to exceed two inspectors at a compensation of five dollars per diem each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors is one thousand five hundred dollars.

(c) The commissioner is also authorized and empowered to appoint not to exceed one clerk, at a salary of one thousand five hundred dollars per annum, but the aggregate amount which may be expended in any year for such clerk shall not exceed one thousand five hundred dollars.

(50) In counties of the forty-ninth class, the commissioner shall receive a compensation of six dollars per diem, during the time actually employed, but the aggregate amount which may be expended in any year for such commissioner shall not exceed one thousand eight hundred dollars; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors and clerk to be appointed by said commissioner, which positions are hereby created and the salaries are hereby fixed as follows, to wit:

Counties of
49th class.

(a) The commissioner is also authorized and empowered to appoint not to exceed three inspectors at a compensation of three dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed five hundred dollars.

(b) The said commissioner is also authorized and empowered to appoint not to exceed one clerk at a compensation of two dollars per diem during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed three hundred fifty dollars.

(51) In counties of the fiftieth class, the commissioner shall receive a salary of one dollar per annum.

Counties of
50th class.

(52) In counties of the fifty-first class, the commissioner shall receive a salary of one thousand eight hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

Counties of
51st class.

(a) Two inspectors at a compensation of five dollars per diem each, during the time actually employed, and four inspectors at a compensation of four dollars and a half per diem each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed one thousand three hundred dollars per annum.

Counties of
52d class.

(53) In counties of the fifty-second class, the commissioner shall receive a salary of one thousand eight hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the commissioner the following inspectors, to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) Four inspectors at a compensation of three dollars and a half per diem each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed four thousand eighty dollars.

53d class.

(54) In counties of the fifty-third class, the commissioner shall receive a salary of one dollar per annum.

54th class.

(55) In counties of the fifty-fourth class, the commissioner shall receive a salary of one dollar per annum.

55th class.

(56) In counties of the fifty-fifth class, the commissioner shall receive a salary of one dollar per annum.

56th class.

(57) In counties of the fifty-sixth class, the commissioner shall receive a salary of one dollar per annum.

57th class.

(58) In counties of the fifty-seventh class, the commissioner shall receive a salary of one dollar per annum.

58th class.

(59) In counties of the fifty-eighth class, the commissioner shall receive a salary of one dollar per annum.

Salaries
to be paid
monthly.

(60) The salary and compensation herein provided for the commissioner and deputy commissioner shall be paid out of the county treasury in equal monthly installments, where the employment is by the year, and monthly as earned in other cases, in the same manner and at the same time as other county officers are paid. In addition to the salaries and compensations herein provided, said commissioner, deputy commissioners and inspectors shall each be entitled to receive their personal and traveling expenses necessarily incurred in the performance of their said duties and said expenses so incurred and all compensation earned by such officers or employees as shall not be employed by the year, shall be a county charge and the board of supervisors shall allow and pay the same out of the general fund of the county in the same manner as other claims against said fund are allowed and paid.

Payment
of expenses.

If super-
visors fail to
appoint.

(61) If for any reason the board of supervisors refuse or neglect to appoint a commissioner at the expiration of the thirty days referred to in section two thousand three hundred twenty-two hercof or at the expiration of the term of office, or if it refuse or neglect to appoint a commissioner to fill a vacancy in the office of county horticultural commissioner, as elsewhere provided for in this act, then the director of agriculture shall select and appoint a commissioner from the said list of eligible persons. Whenever the director of agriculture shall appoint a commissioner as herein provided, then the board of supervisors must provide for the payment of such appointee's compensation and expenses in the same manner as if such appointment had been made by the board of supervisors.

(62) In case of vacancy in the office of said commissioner it shall be the duty of the director of agriculture to furnish the board of supervisors of the county in which such vacancy shall have occurred with a list of names of all persons eligible to the office of county horticultural commissioner, and from such list and within thirty days after receipt thereof, the said board of supervisors shall appoint a person to fill such vacancy. No person shall be eligible to the office of county horticultural commissioner or deputy county horticultural commissioner, unless, prior to his appointment, he has received and holds from the director of agriculture a valid certificate of eligibility to the office. If the position cannot be filled from said list of eligibles, then such vacancy may be temporarily filled for a period not exceeding three months by a person who has not received a certificate of eligibility but who is recommended to the board of supervisors in writing by the director of agriculture.

In case of
vacancy.

Who
eligible.

(63) The director of agriculture shall, by examination, pass upon the qualifications of all persons desiring to become county horticultural commissioners or deputy county horticultural commissioners, and may, in writing, adopt rules and regulations governing such examinations not inconsistent with law for carrying out the purposes of this act. Certificates of eligibility issued by the director of agriculture shall be good for five years from the date of certification or until revoked as hereinafter provided, and in the case of incumbents, shall be renewed by the director of agriculture without further examination. At the time of his appointment a commissioner need not be a resident of the county.

Examina-
tions for
commis-
sioners and
deputies.

The director of agriculture shall also, by himself or his authorized agent or agents, pass upon the qualifications of all persons desiring to become a county horticultural inspector, as provided for under subdivision two of this section, and shall issue valid certificates of eligibility to such persons as shall have been found qualified to serve as such, and no person shall be entitled to serve as such county horticultural inspector for a longer term than three months unless there shall have been issued to him a valid certificate of eligibility to such office by the state director of agriculture. Neither deputy county horticultural commissioners nor inspectors need be residents of the county or counties for which they may be chosen. In all counties having charters providing for civil service examination of county horticultural inspectors, the director of agriculture shall issue a certificate of eligibility without other examination than that required by the civil service provisions of the county charters, and upon the presentation to him of a certificate of the civil service board of said county showing the candidate for county horticultural inspector had passed such civil service examination.

Qualifi-
cations of
inspectors.

(64) Upon the petition of twenty-five resident freeholders of any county, each of whom is possessed of an orchard, greenhouse or nursery, or upon evidence being presented to the director of agriculture that the county horticultural commis-

Where com-
missioner
neglects
duties, etc.

sioner of such county is guilty of neglect of duty, incompetence or misconduct in office, which evidence in the opinion of the director of agriculture shall warrant a hearing or hearings upon the matter, the county horticultural commissioners' trial board hereinafter provided shall thereupon hold such a hearing or hearings at such times and places as it shall provide.

Hearing by
trial board.

(65) The state director of agriculture and the president of the state association of county horticultural commissioners shall thereupon select an impartial third person who with the said director of agriculture and said president of the state association of county horticultural commissioners shall compose a trial board to determine whether said commissioner is guilty of the charges as presented. Said board as thus created, shall be known as the county horticultural commissioners' trial board, and at such hearing or hearings the trial board shall hear such evidence as is offered and thereafter, within thirty days, make an order either dismissing the charges as untrue or an order disqualifying the accused. The said director of agriculture shall give notice in writing to the said commissioner, of the time and place of such hearing and such information as to the nature of the charges as will enable him to make a defense thereto, at least ten days prior to the date of the hearing or hearings. In case the order made by said trial board disqualifies said commissioner the director of agriculture shall forthwith revoke said commissioner's certificate of eligibility and a copy of such order shall be immediately transmitted in writing by the director of agriculture to the board of supervisors and auditor of said county.

Notice of
hearing.

Result.

Office sup-
plies and
equipment.

(66) The said board of supervisors shall provide a suitable office for the said commissioner, and shall furnish and equip the said office with all necessary furniture, supplies and effects for the proper discharge of the commissioner's duties. The said board of supervisors may also provide the commissioner with all necessary field equipment for the proper discharge of the duties of his office. All expense ordered by the board of supervisors for such office, furniture, supplies, effects and equipment shall be a county charge and the board of supervisors shall allow and pay the same out of the general fund of the county.

SEC. 2. Section two thousand three hundred twenty-two *a* of the Political Code is hereby amended to read as follows:

Authority
to enter
orchards,
etc.

2322*a*. (1) The said commissioner, deputy horticultural commissioners and inspectors have full authority to enter into any orchard, nursery or premises where trees, plants, fruits or vegetables are kept or offered for sale or otherwise, or into any house, storeroom, salesroom, depot or any other such place in their jurisdiction, to inspect the same, or any part thereof.

Duty to
inspect.

It shall be the duty of said commissioner in each county, whenever he shall deem it necessary, to cause an inspection to be made of any premises, orchards or nurseries, or trees, plants, vegetables, vines or fruits, or any fruit-packing house, storeroom, salesroom, or any other place or article in his jurisdiction, and if found infected or infested with plant diseases,

insect or other animal pests injurious to fruits, plants, vegetables, trees, or vines, or if there is found growing thereon noxious weeds, he may in writing notify the record owner or owners, or person or persons in charge or in possession of the said premises, articles or things, that the same are infected or infested with said plant diseases, insect or other animal pests, or any of them, or that noxious weeds are growing thereon, and require such person or persons, to eradicate or destroy or to control to the satisfaction of the said commissioner the said plant diseases, insect or other animal pests or noxious weeds within a certain time to be therein specified. Said notices may be served upon the person or persons or either of them owning as of record or having charge or having possession of such infected or infested premises, articles or things, or premises where noxious weeds shall be found, or upon the agents of either, by said commissioner, or by any person deputed by the said commissioner for that purpose in the same manner as a summons in a civil action; *provided, however*, that if any such infected or infested articles, property or premises as hereinabove specified belong to any person who is not a resident of the county, and there is no person in control or possession thereof; and there is no tenant, bailee, depositary or agent of such nonresident person upon whom service can be had, who can after diligent search be found; or if the said owner or owners of any such articles, property or premises cannot after due diligence be found, then such notice may be served by posting copies of the same in three conspicuous places upon such property or premises, and by mailing a copy thereof to the said owner thereof at his last known place of residence, if the same is known, or can by the exercise of reasonable diligence be ascertained; or if not known then to the county seat of the county wherein said property is situated.

Notice
to control
pests.

Service of
notice.

In the case of nursery stock found to be actually infected with any of the diseases known as crown gall, hairy root, root knot or nematodes, the commissioner may hold such infected nursery stock giving notice in writing to the owner thereof and thereafter it shall be unlawful to move such infected nursery stock, excepting under written permission of said commissioner; *provided*, that this shall in no wise affect the authority of said commissioner as set forth in sections 2322f and 2322h of this act.

If nursery
stock in-
fected with
certain
diseases.

(2) When any such notice of eradication, or of control, or of destruction is served concerning any property, said commissioner may cause a copy thereof to be filed for record in the office of the county recorder of the county within which said property is situated, and may cause a copy thereof to be mailed to the person or persons who appear of record to be the owners of any mortgage, trust deed, lien, contract, option, bond, or other incumbrance on said property, at the last known place of residence of said incumbrancer, and if the place of residence of said incumbrancer be unknown to said commissioner, then said fact shall be stated in said copy so mailed

Notice to be
recorded,
and copy
sent to
mortgagee,
etc.

and it shall be addressed to the county seat of the county wherein said property is situated.

Where
property under
public
control.

(3) In case any such plant diseases, insect, or other animal pests injurious to fruit, plants, vegetables, trees, or vines, are found to exist in public parks or along streets, highways, or other property subject to the control of a city or county government, or if there is found in any public park, street, highway, or on other property subject to the control of a city or county government any noxious weeds, then said notice in writing shall be served on the chairman of the governing body of said city or county, and in case the work of eradication, or of control, or of destruction of the said plant diseases, insect or other animal pests, or noxious weeds in the said public parks, streets, highways, or other public property shall be performed by the said commissioner, then the cost thereof shall become a city or county charge, as the case may be, and shall be paid from the general fund of said city or county.

Where
property under
control
of irrigation,
etc., district

(4) In case plant diseases, insect or other animal pests injurious to fruit, plants, vegetables, trees or vines, or any noxious weeds are found to exist upon any canal or ditch or levee or other property or premises subject to the control of any irrigation, drainage, flood control, reclamation or levee district, or other political subdivision of the state then said notice in writing shall be served on the chairman of the governing body of said district or political subdivision, or in case said chairman be absent from the county, or for any reason can not be served, on some other member of said governing body, and in case the work of eradication or control or of destruction of the said plant diseases, insect or other animal pests or noxious weeds upon said canal or ditch or levee or other property or premises shall be performed by the said commissioner, then the cost thereof shall become a legal charge and shall be paid from the general maintenance or operating fund, as the case may be, of said district or political subdivision.

Public
nuisance,
what deemed
and
remedies
against.

(5) Any and all premises, articles, or things mentioned in this act, infected or infested with plant diseases, insect or other animal pests, or premises where noxious weeds are found are hereby expressly declared to be a public nuisance, and shall be prosecuted as such in all actions and proceedings whatever and all remedies which are or may be given by law for the prevention and abatement of nuisance shall apply thereto, and it shall be unlawful to maintain the same. The remedies hereinabove provided shall be in addition to the remedy by way of abatement hereinafter provided.

Duty where
nuisance
not abated.

(6) Whenever any such nuisance shall exist at any place within a county, and the proper notice thereof shall have been served as hereinbefore provided and such nuisance shall not have been abated within the time specified in such notice, it shall be the duty of the said commissioner to cause said nuisance to be at once abated by eradicating or by controlling,

or by destroying said plant diseases, insect or other animal pests, or said noxious weeds.

(7) The expense thereof shall be a county charge, and the board of supervisors shall allow and pay the same out of the general fund of the county; any and all sums so paid from the date of payment shall be and become a lien on the property and premises from which said nuisance has been removed or abated in pursuance of this chapter. Notice of such lien shall be filed and recorded in the office of the county recorder of the county in which the said property is situated within thirty days after the right to the said lien has accrued and a copy of said notice of lien shall be mailed to the person or persons who appear of record to be the owners of any mortgage, trust deed, lien, contract, option, bond, or other incumbrance on said property at the last known place of residence of said incumbrancer and if the place of residence of said incumbrancer be unknown to said commissioner, then said fact shall be stated in said copy so mailed and it shall be addressed to the county seat of the county wherein said property is situated. Such lien shall take precedence over and be paramount to all mortgages, trust deeds, liens, contracts, options, bonds, or other incumbrances upon the land excepting only the lien of taxes providing a copy of the notice of eradication, or control or destruction shall have been filed for record and a copy shall have been mailed to the holder of any such incumbrance in the manner hereinbefore in subdivision (2) provided. If said sum secured by such lien be not repaid to said county within eighty days from the filing of said notice of lien, then and there shall be added to the same and secured by such lien a penalty of fifteen per cent of the amount of said lien. An action to foreclose said lien shall be commenced within ninety days after the filing and recording of said notice of lien, which action shall be brought in the proper court by the district attorney of the county in the name and for the benefit of the county making such payment or payments, and when the property is sold, enough of the proceeds shall be paid into the county treasury of such county to satisfy the lien and costs; and the overplus, if any there be, shall be paid to the owner of the property, if he be known, and if not, into the court for his use when ascertained.

(8) The said commissioner shall have power and authority to prescribe and enforce rules for the qualification of any person, persons, firm or corporation, who desires to engage for hire in the business of eradicating or controlling plant diseases, insect or other animal pests or noxious weeds injurious to the plant industry of the state, and to issue certificates to all persons whom he shall find by examination or otherwise to be duly qualified for engaging in such work. Such certificate shall be revocable whenever the said commissioner shall deem such revocation necessary. No person, persons, firm or corporation shall be permitted to engage for hire in the business of eradicating or controlling plant diseases, insect or other animal pests

Expense of
abatement
a lien.

Penalty.

Foreclosure
and sale.

Persons
engaging in
eradication
of plant
diseases, etc.

or noxious weeds injurious to the plant industry of the state, who has not first secured a certificate in the manner herein provided.

SEC. 3. Section two thousand three hundred twenty-two b of the Political Code is hereby amended to read as follows:

Extermination of animal pests

2322b. This act shall in no wise affect any other act or acts providing for the destruction of ground squirrels or other animal pests, or applying to the proceedings thereunder, but it is intended to and does provide the alternative system of proceedings for the extermination or control of ground squirrels or other animal pests referred to in this act; and it shall be within the discretion of the governing body of each county, city and county, city or town, to provide for the extermination or control of ground squirrels or other animal pests, whether under the provisions of this act or under the provisions of such other act or acts; but when any proceedings are commenced under this act, the provisions of this act and of such amendments as may hereafter be adopted and no other shall apply to all such proceedings and any provision contained in any other act or acts in conflict with the provisions of this act shall be void and of no effect as to the proceedings commenced under the provisions of this act.

SEC. 4. Section two thousand three hundred twenty-two c of the Political Code is hereby amended to read as follows:

Commissioners to perform duties of quarantine guardians.

2322c. Said commissioner shall in his county perform all the duties delegated to a quarantine guardian in an act entitled "An act to provide for the protection of horticulture and to prevent the introduction into this state of insects or diseases, or animals, injurious to fruit or fruit trees, vines, bushes or vegetables, providing for a quarantine for the enforcement of this act, making a violation of the terms of the act a misdemeanor, and providing the penalty therefor: providing that said act shall be an urgency measure and go into effect immediately, and repealing that certain act entitled 'An act for the protection of horticulture and to prevent the introduction into this state of insects, or diseases, or animals, injurious to fruit or fruit trees, vines, bushes or vegetables, and to provide for a quarantine for the enforcement of this act, approved March 11, 1899,'" approved January 2, 1912, and amendments thereto, and he shall enforce the provisions of said act under the supervision and direction of the director of agriculture.

General supervision of director of agriculture.

The director of agriculture shall and he is hereby authorized and empowered to exercise supervision and control over the said commissioners in the various counties of the state in the performance of their duties pertaining to the standardization of fruits, vegetables and other plant products, and in the prevention of illegal introduction into the state and dissemination within the state of plant diseases, insect and other animal pests, and noxious weeds; and the director of agriculture shall be and is hereby empowered to review upon appeal all acts of the said commissioners which the said director of agriculture is authorized to supervise and control under this section for

confirmation or reversal upon the merits only: and said commissioners shall carry out their respective duties of such matters under the direction of the director of agriculture as the chief executive officer for the enforcement of this act, which office is hereby created without additional compensation. In all cases arising under the provisions of this section, any interested party aggrieved thereby may appeal in writing from the said commissioner to the director of agriculture within five days after notice of action by said commissioner. The director of agriculture shall hear such appeal within ten days after receipt thereof upon due notice to all interested parties and his decision shall be final. Pending appeal, action by said commissioner on case under appeal shall be suspended by said director. The refusal of any commissioner to carry out the orders and directions of the director of agriculture, in reference to such matters, shall be deemed neglect of duty.

Appeals.

SEC. 5. Section two thousand three hundred twenty-two d of the Political Code is hereby amended to read as follows:

2322d. It is the duty of said commissioner to keep a record of his official doings, and to make a report to the state director of agriculture on or before the first day of October of each year on the condition of the agricultural interests in his county, on what is being done to eradicate, or to control or to destroy plant diseases, insect or other animal pests and noxious weeds, also as to quarantine against plant diseases, insect and other animal pests and noxious weeds, and to furnish from time to time to the state director of agriculture such other information as he may require. Said state director of agriculture may publish such reports in bulletin form or may incorporate so much of the same in his annual report as may be of general interest. It is also made the duty of the said commissioner to advise himself with reference to all plant diseases, insect or other animal pests or noxious weeds, injurious to fruit, plants, vegetables, trees or vines that may exist in his country or be likely to exist therein and for the purpose of advising himself on the best and most efficacious methods of performing his duties as delegated to said commissioner in this act, he shall attend the annual meeting of the state association of county horticultural commissioners, and such other meetings as the state director of agriculture shall require, and he shall be paid his compensation and personal and traveling expenses while so engaged, or while on any service that requires him to go outside the county when the performance of such service has been authorized by the board of supervisors, or the state director of agriculture.

Records and reports of commissioners.

To attend annual meeting of association.

It is the duty of the said commissioner to keep a record of his official acts and to make a monthly report to the board of supervisors if and when so required by said board.

SEC. 6. Section two thousand three hundred twenty-two c of the Political Code is hereby amended to read as follows:

2322c. Certain terms when used in this act shall, unless such construction be inconsistent with the context, be construed as follows:

Words and phrases defined.

(a) The term "county" shall include in its meaning a consolidated city and county.

(b) The term "shipment" shall mean any article or thing, or articles or things, which may be, are being, or have been transported from one place to another place.

(c) The term "noxious weed" shall mean any of the following species of plants: Johnson grass (*Holcus halepensis*), Sand bur grass (*Cenchrus pauciflorus*), Russian thistle (*Salsola kali* var. *tenuifolia*), Hoary cress (*Lepidium draba*), Puncture vine (*Tribulus terrestris*), Camel's thorn (*Alhagi camelorum*), Morning glory (*Convolvulus arvensis*), Star thistles (*Centaurea species*), Russian knapweed (*Centaurea repens*), Canada thistle (*Cirsium arvense*), Bull thistle (*Cirsium lanceolatum*), Milk thistle (*Silybum marianum*), Creeping sow thistle (*Sonchus arvensis*), Burdock (*Arctium species*), Cocklebur (*Xanthium species*), White horse-nettle (*Solanum eleagnifolium*). Also, any other species of plant which, after practical survey and investigation, are found by the director of agriculture to be noxious and a menace to agriculture, shall by said director, through proclamation, be declared a noxious weed. Such proclamation shall be made under the seal of the department of agriculture and shall be published once a week for two successive weeks in a newspaper or farm journal of general circulation published and circulated in the county or counties wherein the said plant is known to exist. A copy of such proclamation shall also be posted in a public place in or near the area to be affected thereby.

(d) The term "insect or other animal pests" shall mean any form of animal life which is or may be detrimental to agriculture in any of its phases, and shall include the eggs, larvæ, pupæ, or other immature stages thereof.

(e) The term "plant diseases" shall mean any unhealthy condition of plants or parts thereof caused by the parasitic organisms known as fungi, bacteria and slime molds.

(f) The term "seeds" shall be construed to include any reproductive or propagative part of a plant.

(g) The term "nursery stock" shall mean any trees, shrubs, plants, vines, bulbs, cuttings, grafts, scions or buds.

SEC. 7. Section two thousand three hundred twenty-two of the Political Code is hereby amended to read as follows:

2322f. Any person, persons, firm or corporation receiving, bringing or causing to be brought into any county or locality of the State of California from another county or locality within said state any nursery stock, fruit pits, fruit vegetables or seed, for the purpose of planting or propagating the same or any or all shipments of nursery stock, fruit pits, fruit, vegetables or seed or containers thereof, or other orchard appliances which the county horticultural commissioner or the state director of agriculture may consider liable to be infected or infested with plant diseases, insect or other animal pests or noxious weed seeds and which if so infected or infested would constitute a dangerous menace to the orchards,

Notice to
commissioner
of arrival
of nursery
stock, etc.

farms and gardens of the county, locality, or state, shall immediately after the arrival thereof notify the said commissioner, his deputy, or nearest inspector of the county in which such nursery stock, or fruit or vegetables, or seeds are received, of their arrival, and hold the same without unnecessarily moving or placing such articles where they may be harmful, for immediate inspection by such county horticultural commissioner, his deputy, inspector or deputy quarantine officer or guardian.

SEC. 8. Section two thousand three hundred twenty-two g of the Political Code is hereby amended to read as follows:

2322g. Each shipment of nursery stock, fruit pits, fruit, vegetables, or seed, imported or brought into any county of the State of California from another county within said state for planting or propagating purposes, shall have plainly and legibly marked thereon in a conspicuous manner and place, the name and address of the shipper, owner or owners, or person forwarding or shipping same, and also the name of the person, firm or corporation to whom the same is forwarded or shipped, or his or its responsible agents.

Marking
of
shipments of
nursery
stock, etc.

Each shipment of nursery stock sold, delivered or transported, within the State of California, shall have affixed thereto in a conspicuous place by the person or persons, firm or corporation making such sale or delivery or transportation, a tag or shipping permit issued by the commissioner having jurisdiction at the point from which such sale, delivery or transportation is made.

Shipping
permit.

A manifest showing the contents of each shipment, also the name of the locality where the contents were grown and a statement of the contents therein shall be made to the commissioner having jurisdiction at the point of destination when shipment is made.

Manifest.

SEC. 9. Section two thousand three hundred twenty-two h of the Political Code is hereby amended to read as follows:

2322h. When any shipment of nursery stock, fruit pits, fruit, vegetables or seed or their containers or orchard appliances or farm implements imported or brought into any county or locality of the State of California from another county or locality within said state or brought into any locality of any county from another locality within said county is found to be infested or infested with plant diseases, insect or other animal pests or noxious weed seeds, not known to exist in the county or locality into which such shipment is brought and which pests, diseases or noxious weed seeds are determined by said commissioner to be of such a nature that said shipment constitutes a menace to the orchards, vineyards, gardens or farms of California through imminent danger of the escape of said pests, or noxious weed seeds or infection by said diseases, the entire shipment shall be refused delivery and shall be immediately destroyed by said commissioner or under his direction by his deputy or inspector; *provided however*, that if said shipment is found to be infested or

Disposition
of infested
and
questionable
shipments.

infested with plant diseases, insect or other animal pests, or noxious weed seed not known to exist in the county or locality into which said shipment is brought, and if it shall be determined by said commissioner that the nature of the plant disease, insect or other animal pests, or noxious weed seeds, be such that there is no imminent danger of escape of said pests, or noxious weed seeds, or infection by such plant diseases, or if there is reasonable cause to presume that said shipment may be so infested or infested, said commissioner, or deputy or inspector, who shall make the inspection, shall notify the owner, or person, firm or corporation, having possession or control of said articles, to return the same to point of shipment within forty-eight hours after such notification, and it shall be the duty of such owner, person, firm or corporation to so ship said articles. Such shipment shall be under the direction and control of said commissioner and the expense thereof, including packing, shall be paid by the owner or owners of said shipment. It is further provided, however, that if any shipment is found to be infected or infested with plant diseases, insect or other animal pests or noxious weed seeds, which are of common occurrence in the county or locality into which said shipment is brought and said pests, or diseases, or noxious weed seeds, may be exterminated or controlled by such treatment as may be prescribed by, or under authority of, the commissioner of the county into which it is brought, said shipment may be disinfected or cleaned at the expense of the owner or owners, his or their responsible agents, in a manner and within a time satisfactory to the commissioner, deputy or inspector, and after such treatment the shipment may be delivered to the consignee.

SEC. 10. Section two thousand three hundred twenty-two *i* of the Political Code is hereby amended to read as follows:

Offenses a
mis-
demeanor.

2322*i*. Any person, persons, firm or corporation violating any of the provisions of this act or refusing or neglecting to comply with the requirements of any legal notices issued under the authority and provisions of this act shall be guilty of a misdemeanor and shall be punished by imprisonment in the county jail for a period not exceeding six months or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment.

Penalty.

SEC. 11. Section two thousand three hundred twenty-two *j* of the Political Code is hereby amended to read as follows:

Constitution-
ality.

2322*j*. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

CHAPTER 477.

An act to amend section four thousand two hundred fifty-two of the Political Code relating to the salaries, fees and expenses of officers in counties of the twenty-third class.

[Approved June 22, 1923.]

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

SECTION 1. Section four thousand two hundred fifty-two of the Political Code is hereby amended to read as follows:

4252. In counties of the twenty-third class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

1. The county clerk, three thousand dollars (\$3,000) per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the county clerk one deputy, who shall be appointed by the county clerk, and who shall be paid a salary of one thousand eight hundred dollars per annum, one deputy who shall be appointed by the county clerk and who shall be paid a salary of one thousand five hundred dollars per annum, and one deputy, who shall be appointed by the county clerk and who shall be paid a salary of one thousand two hundred dollars per annum. The salaries of said deputies shall be paid by the county in monthly installments, at the time and in the manner and out of the same fund as the salaries of other county officers are paid; *provided*, that the county clerk be, and he is hereby allowed the sum of ten cents (10c) for the registration of each voter, which registration is taken and made outside of the office of the county clerk; *provided, further*, that in any year that a general election, primary election, special state election, or special county election within the county is held, such number of assistants as is necessary to properly prepare for and conduct said elections shall be allowed, to be paid out of the general fund of the county on the presentation and filing with the board of supervisors, duly verified claims therefor, approved by the county clerk, said compensation not to exceed two hundred dollars (\$200) for each election held. The office of the county clerk shall be kept open on each and every day except Sunday, and legal holidays from nine o'clock a.m. to twelve o'clock m., and from one o'clock p.m. to five o'clock p.m.

2. The sheriff, four thousand dollars (\$4,000) per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the sheriff the following deputies, who shall be appointed by the sheriff and shall be paid salaries as follows, to wit: One under sheriff at a salary of two hundred dollars (\$200) per month, one deputy sheriff at a salary of one hundred seventy-five dollars (\$175) per month and one deputy sheriff at one hundred dollars (\$100) per month, who shall be head jailer at the county jail in said county; *provided*, that if the sheriff shall not be allowed the privilege of boarding the prisoners as heretofore provided, in this county,

then the deputy who shall be head jailer shall receive the salary of one hundred dollars per month; said sheriff and his deputies shall be allowed their actual traveling expenses in the performance of their duties, but no other fees or mileage of any nature or kind shall be allowed in civil or criminal matters; except the sheriff shall have for his use the per diems allowed by law for the transportation of prisoners and insane persons to state institutions; all fees of every nature and kind collected by the sheriff shall be turned into the county treasurer. The salaries of the deputies hereinbefore provided shall be paid in monthly installments by said county, at the same time and manner and out of the same fund as the salaries of other county officers are paid.

Recorder.

3. The county recorder, three thousand dollars (\$3,000) per annum; *provided*, that in counties of this class there shall be and is allowed to the recorder not to exceed two copyists who shall be appointed by the recorder of said county; said copyists to be paid and receive a salary not to exceed three thousand dollars (\$3,000) in the aggregate in any one year, which salaries shall be paid by said county in monthly installments in the form and in the manner and out of the same fund as the salary of other county officers are paid.

Auditor.

4. The auditor, one thousand eight hundred dollars per annum.

Tax collector.

5. The tax collector, two thousand seven hundred dollars per annum; *provided*, that in counties of this class, there shall be and there hereby is allowed to the tax collector a deputy to be appointed by the tax collector, who shall receive a salary of one hundred dollars (\$100) per month, which salary shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid; *provided*, that the tax collector shall be allowed one hundred fifty dollars (\$150) per annum for necessary clerical assistance.

Assessor.

6. The assessor, three thousand six hundred dollars (\$3,600) per annum; and said assessor may appoint one chief deputy, who shall receive a salary of two thousand four hundred dollars (\$2,400) per annum, and one deputy who shall receive a salary of one thousand five hundred dollars (\$1,500) per annum, which salaries shall be paid by the county in equal monthly installments; also he may appoint other field deputies whose compensation in the aggregate shall not exceed four thousand dollars (\$4,000) in any one year, payable to them in installments, at such time and in such amounts as may be designated by the assessor; *provided*, that the assessor shall file with the county auditor a verified statement showing in detail the amounts and the persons to whom said compensation is paid. All of the salaries of the above deputies shall be paid in the same manner and out of the same fund as the salaries of other county officials are paid. All commissions or fees now or hereafter allowed by law shall be paid into the county treasury and no compensation shall be allowed the assessor for preparing the military roll of a county of this

class. The office of the county assessor shall be kept open on each and every day, except Sundays and legal holidays, from nine o'clock a.m. to twelve o'clock m. and from one o'clock p.m. to five o'clock p.m. The changes provided in this section do not affect an increase in the compensation of a county officer and shall apply immediately to incumbents.

7. The county treasurer, two thousand four hundred dollars ($\$2,400$) per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the treasurer a deputy, to be appointed by the treasurer, who shall receive a salary of one hundred fifty dollars ($\$150$) per month, which salary shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as salaries of other county officials are paid. Treasurer.

8. The district attorney, two thousand five hundred dollars ($\$2,500$) per annum; *provided*, that in counties of this class there shall be and hereby is allowed to the district attorney one deputy, to be appointed by the district attorney, who shall receive a salary of two thousand one hundred dollars ($\$2,100$) per annum, and one stenographer, which office is hereby created to be appointed by the district attorney at a salary of one hundred twenty-five dollars ($\$125$) per month; which salaries of said deputy and said stenographer shall be paid in monthly installments, at the same time and in the same manner and out of the same fund as the salaries of other county officials are paid. District attorney.

9. The coroner, such fees as are now or may hereafter be allowed by law. Coroner.

10. Public administrator, such fees as are now or may hereafter be allowed by law. Public administrator.

11. The superintendent of schools, two thousand five hundred dollars ($\$2,500$) per annum. His office shall be kept open on all business days from nine a.m. to twelve m. and from one o'clock p.m. to five o'clock p.m. He shall be allowed his actual expenses, when visiting the schools of this county and such per diem as is now or may hereafter be allowed by law, for services as a member of the county board of education; *provided*, that in counties of this class there shall be and there hereby is allowed to the superintendent of schools a deputy, to be appointed by the superintendent of schools, who shall receive from the county a salary of one thousand six hundred twenty dollars ($\$1,620$) per annum, which salary shall be paid by the county in equal monthly installments, and which said salary shall be paid at the same time and in the same manner and out of the same funds as is the salary of the superintendent of schools; *provided*, that the superintendent of schools shall be allowed fifty dollars ($\$50$) per month for stenographic assistance. Superintendent of schools.

12. The county surveyor, two thousand five hundred dollars ($\$2,500$) per annum; *provided*, that if the county surveyor shall be appointed superintendent of the permanent highways in the county constructed under bond issue, under any statute of this state providing for the appointment of such superin- Surveyor.

tendent, then and in that event said county surveyor shall receive a salary of four thousand dollars (\$4,000) per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the county surveyor the following deputies, who shall be appointed by the county surveyor, and who shall be paid salaries as follows: One chief deputy county surveyor at a salary of one hundred fifty dollars (\$150) per month; one deputy county surveyor at a salary of one hundred twenty-five dollars (\$125) per month and one deputy at one hundred dollars (\$100) per month, all of which offices are hereby created; also said county surveyor may appoint another deputy or deputies, the compensation to said deputies or deputy in the aggregate not to exceed two thousand dollars (\$2,000) in any one year, payable to such deputy or deputies in such installments, at such time and in such amount as may be designated by the county surveyor; *provided, however*, that the county surveyor shall file with the county auditor a verified statement showing in detail the amounts and the persons to whom said compensation is paid. The salaries of said deputies and each of them shall be paid in the same manner and out of the same fund as the salaries of other county officers are paid.

Librarian.

13. The county librarian, one thousand eight hundred dollars per annum.

Board of education.

14. In counties of this class, each member of the county board of education shall receive five dollars for each day the board of education is in session, not to exceed a total of three hundred fifty dollars per annum. In addition each member shall receive the same mileage as is allowed the members of the board of supervisors of said county. Compensation of the members of the county board of education shall be payable out of the same funds and in the same manner as is the salary of the county superintendent of schools.

Justices of the peace.

15. Justices of the peace shall receive the following monthly salaries, to be paid each month as salaries of other county officers are paid, which shall be in full for all services rendered in both civil and criminal cases. In townships where the population is four thousand or more, one hundred fifty dollars (\$150) per month, and said justice of the peace shall be furnished with offices and necessary supplies by the board of supervisors of said county; in townships where the population is two thousand and less than four thousand, eighty dollars per month; in townships where the population is one thousand and less than two thousand, forty dollars per month; in townships where the population is less than one thousand, twenty dollars per month; *provided*, that the justice of the peace shall, before receiving his monthly salary, file with the auditor a statement of all fines received, together with the treasurer's receipt for same; *provided, further*, that no justice of the peace shall hold the office of city recorder.

Constables.

16. Constables shall receive the following monthly salaries to be paid each month as salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships where the population is four

thousand or more, eighty dollars per month; in townships where the population is two thousand and less than four thousand, seventy dollars per month; in townships where the population is one thousand and less than two thousand, fifty dollars per month; in townships where the population is less than one thousand, twenty-five dollars per month. In addition to the monthly salary herein allowed each constable may retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions; each constable shall also be allowed all necessary expenses actually incurred by him in arresting, pursuing or conveying prisoners to court or to prison, and actual expenses incurred in serving any process in any criminal case pending in said county, which said expenses shall be audited and allowed by the board of supervisors out of the county treasury.

17. For the purposes of subdivisions fifteen and sixteen of this section, the population of the several judicial townships shall be ascertained by the board of supervisors of said county at their regular meeting in the month of December following the election of justices of the peace and constables in said county, by multiplying by three the number of registered voters in said township as shown by the register prepared by the county clerk of said county for the general election next preceding the date of such determination. It is hereby found as a fact, that the salaries provided for in subdivisions fifteen and sixteen do not work an increase in the compensation and the same shall apply immediately to incumbents.

18. Each member of the board of supervisors, one thousand two hundred dollars (\$1,200) per annum, and their necessary expenses when attending to the business of the county, other than the meetings of the board at the county seat, and twenty cents (20c) per mile in traveling from his residence to the county seat; *provided*, that not more than one mileage for any one regular session of the board shall be allowed, and not more than one mileage for any special session of the board shall be allowed.

19. The county traffic officer, two thousand seven hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the county traffic officer five deputies, which offices are hereby created. Said deputies shall be appointed by said county traffic officer and shall each receive a salary of two thousand five hundred twenty dollars, which shall be paid by said county in monthly installments at the same time, in the same manner and out of the same fund as the salary of the county traffic officer is paid. Said traffic officer and his said deputies shall provide their own motorcycles or other vehicles and gasoline and oil for the purpose of propelling the same, and shall pay all of the expense of the upkeep of said machines. All the provisions of this paragraph are to apply to the office of county traffic officer and his deputies whenever said office of county traffic officer is created by law.

20. The salaries of all county and township officers and their deputies shall be payable in monthly installments on the first day of each month.

Jurors.

21. For acting as a grand juror in the superior court, for each day's attendance per day, three dollars. For every mile actually traveled in attending court as a grand juror in going only, twenty-five cents per mile.

CHAPTER 478.

An act making an appropriation for the encouragement of county agricultural fairs and providing for the distribution of the moneys hereby appropriated.

[I object to the item of "one hundred thousand dollars" in section one and reduce the amount to "fifty thousand dollars". With this exception I approve the bill. June 22, 1923. F. W. RICHARDSON, Governor.]

Appropriation: encouragement of agricultural fairs.

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

SECTION 1. To encourage the holding of county agricultural fairs and to stimulate better agriculture and horticulture and the breeding of better live stock in the various counties of the State of California there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of one hundred thousand dollars, one-half of said amount to be expended during the seventy-fifth fiscal year, and one-half to be expended during the seventy-sixth fiscal year, in accordance with the directions contained in section two of this act.

Apportionment by state board of control.

SEC. 2. The money hereby appropriated shall be expended under the supervision of the state board of control for premiums for agricultural, horticultural and live stock exhibits only. The state board of control shall apportion the money hereby appropriated to the various agricultural fairs held in any county or by any group of counties on the basis of the amount which such fairs actually paid in premiums for agricultural, horticultural and live stock exhibits, at the fairs held in the preceding year. It shall be the duty of the secretary of any such fair desiring to take advantage of the provisions of this act to file with the state board of control on or before August 1, 1923, and August 1, 1924, a sworn statement setting forth the actual amount paid for premiums by such county agricultural fair held in the preceding year. No allotment from the appropriation herein provided shall be made for more than one fair in any year in any county. The fact that one county joins with another county, or with several others, to hold an agricultural fair shall not bar it from receiving a proper proportion of the moneys herein appropriated.

CHAPTER 479.

An act creating an irrigation and water conservation district to be known as Santa Clara county irrigation district, subject to the approval of the electors residing in said district; providing for an election to determine whether said district shall be organized; providing for the election of a board of trustees and the management and control of said district by said board of trustees and defining the powers and duties of said board; authorizing said district to acquire water rights, to acquire and hold property, to sue and be sued and to have and exercise all rights and powers of a public corporation; providing for the levy and collection of assessments; and providing for the issuance and payment of bonds.

[Approved June 22, 1923.]

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

SECTION 1. The State of California and the people thereof are hereby declared to have a primary and supreme interest in the conservation of the waters of the Santa Clara valley and the watersheds tributary thereto, to the end that the same may be used for the full, proper and economical irrigation of the lands of Santa Clara valley. Investigation having shown conditions in Santa Clara valley to be peculiar to that valley, it is hereby declared that a general law can not be made applicable thereto and that the enactment of this special law is necessary for the conservation and development of said waters for the public good.

SEC. 2. There is hereby created, subject to the approval of the voters of said district as hereinafter provided, a water conservation and irrigation district, to be known and designated as "Santa Clara county irrigation district," hereinafter in this act referred to as "district," the boundaries of which said district are as follows:

Beginning at the intersection of the center line of San Antonio avenue prolonged with the easterly line of the right of way of the Peninsular railroad; thence following the easterly boundary of the right of way of said railway to Vasona junction at a point intersecting the prolonged center line of Walker avenue in Walker tract subdivision; thence following the center line of Walker avenue to the center line of the Santa Clara and Los Gatos road; thence in a direct line southeasterly to the center of section fourteen, township eight south, range one west, Mount Diablo base and meridian; thence in a direct line southeasterly to the southeast corner of section thirteen, township eight south, range one west, Mount Diablo base and meridian; thence in a direct line southeasterly to a point two miles east and one and one-half (1½) miles south of the aforesaid southeast corner of said section thirteen; thence east one mile; thence southeasterly to the junction of the center lines of the Almaden and McKean roads; thence following the center line of McKean road easterly to an intersection with

Interest of state.

Necessity for special law.

"Santa Clara county irrigation district" created.

Boundaries.

Boundaries.

the center line of a road on the west line of lot twenty-five of the Martiu Clayton, Chase and Shillingsburg subdivision; thence along the said road to the northeast corner of lot twenty-two and the northerly line of lots twenty-one, twenty-two, and twenty of said subdivision to Flarry road; thence along the northerly boundary of said subdivision to the northwest corner of lot thirty; thence in a direct line northwesterly to the point of intersection of the westerly line of the right of way of the Edenvale-Almaden branch of the Southern Pacific railroad and the center line of Alamitos creek; thence following the westerly line of said Southern Pacific railroad right of way northwesterly to a point thirty-five chains southerly along said right of way from the center line of Downer avenue; thence in a direct line southeasterly to the center line of Snell road at a point one hundred thirty-five chains south of center line of Downer avenue; thence east one hundred fifty-five chains; thence south forty-six degrees east eighty-five chains; thence easterly one hundred twenty chains more or less to a point on the easterly line of four hundred ten acre tract marked on the Santa Clara county map, dated December 1, 1914, as belonging to the Bay Cities Water Company; thence southeasterly along easterly line of said property approximately parallel to the Southern Pacific railroad one hundred chains to the center line of Bailey avenue; thence in a direct line southerly ninety-nine chains more or less to the southwest corner of a thirty-acre strip of land shown upon the map of Santa Clara county dated December 1, 1914, as belonging to the San Jose Water Company; thence in a direct line to the southwest corner of Murphy Colombet subdivision number two; thence following the southerly boundary of the Murphy Colombet subdivisions numbers two and three and Dougherty and Randol subdivision to the southeast corner of lot twenty-six of the last named subdivision; thence in a direct line southeasterly to the northeast corner of lot eight of Morgan Hill ranch number three; thence along the easterly line of said lot eight to the south line of lot three, Morgan Hill ranch number three; thence along the south line of said lot three to the center line of the Monterey road; thence following the center lines of the Monterey and Cochran roads northerly and easterly to intersection with the center line of Coyote road; thence in a direct line northwesterly to an intersection with the center line of Ogier avenue prolonged at a point seventy chains distant from the center line of the state highway; thence in a direct line northwesterly to an intersection with the center line of Bailey avenue prolonged at a point forty chains distant from the center line of the state highway; thence in a direct line northwesterly to a point located one hundred sixty chains southwesterly from the center line intersection of Evergreen and White roads prolonged over the intersection of center lines of Silver creek and Silver creek road; thence northeasterly in a direct line to the intersection of center lines of Evergreen and White roads; thence in a direct line to center line of intersection of Norwood and Flint

avenues; thence along Flint avenue to center line of Marten avenue at northwest corner of Marten subdivision; thence easterly along Marten avenue on northerly line of Marten subdivision to center of Mount Pleasant road; thence along Mount Pleasant road to Story road; thence along Story road to Fleming road; thence along Fleming road to Alum Rock avenue; thence along Alum Rock avenue northerly to intersection center line of McKee road (or Gordon avenue); thence in a direct line northwesterly to the intersection of Milpitas lane and Piedmont road; thence southerly along the center line of Milpitas lane to an intersection with the center line of Capitol avenue; thence northwesterly along the center line of Capitol avenue to an intersection with the center line of the San Jose and Milpitas road; thence in a direct line northwesterly to the intersection of the center lines of Coyote creek and the Milpitas and Alviso road; thence westerly along the center line of the Milpitas and Alviso road to an intersection with the center line of the San Jose and Alviso road; thence in a direct line to the intersection of the center lines of the Santa Clara-Alviso and Alviso-Mountain View roads; thence westerly and southwestly along the center line of the Alviso and Mountain View road to an intersection with the center line of Crossman avenue; thence northerly along the center line of Crossman avenue to the northerly line of lot four, and westerly along the northerly line of lots four, three, two, and one, of the W. E. Crossman subdivision number two; thence southerly along the westerly line of said W. E. Crossman subdivision number two, to the line between lots sixty-seven and sixty-eight of the J. T. Murphy subdivision; thence westerly along the line between lots sixty-six, sixty-seven, sixty-eight and sixty-nine, to the westerly line of said J. T. Murphy subdivision; thence on a direct line westerly to the northeast corner of lot five of the Capodoro tract; thence westerly on the line between lots five, six, twenty-one and twenty-two to the west line of the said Capodoro tract; thence westerly along the center line of Jagels road to an intersection with the center line of Whisman avenue; thence on a direct line westerly to the intersection of the west line of the Ynigo Rancho with the south line of section ten, township six south, range two west, Mount Diablo base and meridian; thence west along the south line of said section ten to the center line of Stierlin road; thence north along the center line of Stierlin road to the center line of Charleston road; thence westerly along center line of Charleston road to the northwest corner and southerly along the west line of the property of H. Ringstorff as marked on the Santa Clara county map of December 1, 1914, to the westerly line of the Alsip subdivision; thence southerly and easterly along the west and south lines of the Alsip subdivision to the center line of Calderon avenue; thence southerly and westerly along the center lines of Calderon avenue, San Francisco and San Jose state highway, Jordan avenue and San Antonio avenue to point of beginning at intersection with the easterly line of the right of way of the Peninsular railroad.

SEC. 3. Said district is hereby divided into seven divisions, numbered and bounded as follows:

Division 1. Beginning at the intersection of the southerly boundary line of the said district as hereinabove described with the center line of Snell road; thence easterly, northerly and westerly following the boundary line of said district to its intersection with the center line of Alum Rock road; thence southwesterly along the center line of said Alum Rock road to the easterly limits of the city of San Jose; thence following the easterly and southerly limits of the said city of San Jose to an intersection with the center line of the Monterey road; thence southeasterly along the center line of said Monterey road to an intersection with the center line of Snell road; thence southerly along the center line of Snell road to point of beginning.

Division 2. Beginning at the intersection of the southerly line of the said district as hereinabove described with the center line of Snell road; thence northerly along center line of Snell road to center line of Monterey road; thence northwesterly along the Monterey road to the center line of Stone avenue; thence westerly and northerly along center line of Stone avenue to the center line of Almaden road; thence southerly along center line of Almaden road to center line of Guadalupe creek; thence northerly along center line Guadalupe creek to the southerly limits of the city of San Jose; thence following the southerly and westerly limits of the city of San Jose to the center line of The Alameda; thence westerly along The Alameda to the easterly boundary of the city of Santa Clara; thence following south and west along the east and south boundary lines of the city of Santa Clara to an intersection with the center line of the Santa Clara-Los Gatos road; thence southerly along the center line of the Santa Clara-Los Gatos and San Jose-Los Gatos roads to the southerly boundary line of the district; thence easterly along the said southerly boundary line as hereinabove described to the point of beginning.

Division 3. Beginning at the intersection of the center line of the San Jose-Los Gatos road with the southerly boundary line of the district; thence northerly along the center lines of the San Jose-Los Gatos and Santa Clara-Los Gatos roads to the south boundary line of the city of Santa Clara; thence west and north along the south and west boundary lines of the city of Santa Clara to the center line of Fremont avenue; thence west along the center line of Fremont avenue to the southerly line of the district; thence easterly along the said southerly boundary line as hereinabove described to the point of beginning.

Division 4. Beginning at the intersection of the center line of Fremont avenue with the southerly boundary line of the district; thence east along the center line of Fremont avenue to the west boundary line of the city of Santa Clara; thence following northerly along the west boundary of the city of Santa Clara and the center lines of San Tomás Aquinas

and Campbell creeks to the northerly boundary line of the district; thence following the northerly, westerly and southerly boundary lines of the district to the point of beginning.

Division 5. Beginning at the intersection of the easterly boundary line of the district as hereinabove described with the center line of Alum Rock road, thence southwesterly along the center line of said Alum Rock road to the easterly limits of the city of San Jose; thence along the easterly, northerly and westerly limits of the said city of San Jose to an intersection with the center line of The Alameda; thence westerly along the center line of The Alameda to the east boundary line of the city of Santa Clara; thence south, west and north along the east, south and west boundary lines to the northwest corner of the city of Santa Clara; thence northerly along the center lines of San Tomas Aquinas and Campbell creeks to the northerly boundary of the district; thence following the northerly and easterly boundaries of the district, easterly and southerly to the point of beginning.

Division 6. All that portion of the city of San Jose east of the center line of First street.

Division 7. Beginning at the intersection of the center line of Monterey road and Stone avenue, thence along the center line of said Stone avenue westerly and northerly to the center line of Almaden road; thence southerly along the center line of said Almaden road to the center line of Guadalupe creek; thence northerly along the center line of Guadalupe creek to the westerly limits of the city of San Jose; thence following the westerly and northerly limits of the said city of San Jose to the center line of First street; thence southeasterly along the center line of First street and Monterey road to the point of beginning.

SEC. 4. The board of supervisors of Santa Clara county within ninety days after the filing with said board of supervisors of a petition, as hereinafter provided, shall give notice of an election to be held in such proposed district for the purpose of determining whether or not the same shall be organized under the provisions of this act. Such notice shall describe the exterior boundaries herein established, and shall be published for at least three weeks previous to such election, in a newspaper published within the proposed district. Such notice shall require the electors to cast ballots, which shall contain the words "Irrigation district—Yes," or "Irrigation district—No," or words equivalent thereto, and also the names of persons to be voted for at said election. For the purposes of said election the board of supervisors must establish a convenient number of election precincts in said proposed district, and define the boundaries of the same. Such election shall be conducted as nearly as practicable in accordance with the general election laws of the state, but no particular form of ballot shall be required. The petition hereinabove referred to shall be addressed to said board of supervisors of Santa Clara county, shall request said board to call said election as herein provided, and shall be

Notice of election upon question of organization.

Conduct of election.

Petition for election.

signed by at least one thousand qualified electors residing within the proposed district. The petition may consist of any number of separate instruments. When said petition is presented, said board of supervisors shall hear the same and shall proceed to determine whether or not said petition complies with the requirements hereinbefore set forth. If the board of supervisors shall determine that the petitioners have complied with the requirements hereinbefore set forth, it shall pass a resolution to that effect and shall proceed to call said election as herein provided. If the board of supervisors should determine that the petitioners have not complied with the requirements hereinbefore set forth, it shall pass a resolution denying said petition and shall take no steps toward calling said election until petition complying with all requirements herein set forth shall have been filed with said board.

Election of directors.

SEC. 5. At such election there shall be elected as nearly as practicable in the manner hereinafter provided for general elections, a board of directors consisting of seven members, one to be elected by the electors of each division.

Qualifications for voting.

SEC. 6. No person shall be entitled to vote at any election held under the provisions of this act unless he possesses all the qualifications required of electors under the general election laws of the state.

Canvass of votes.

SEC. 7. The board of supervisors shall meet on the Monday succeeding such election and shall proceed to canvass the votes cast thereat, and shall cause to be entered on its minutes the result of the canvass. If, upon such canvass it appears that a majority of all the votes cast are "Irrigation district—Yes," the said territory shall be duly organized as the Santa Clara county irrigation district and all provisions of this act shall be in full force and effect. If it appears upon such canvass that a majority of all votes cast are "Irrigation district—No," the result shall be entered in the minutes of the board of supervisors and no further proceedings shall be had or taken under this act unless and until a new petition shall be filed with said board of supervisors as provided in section four of this act, when the same proceedings shall be taken as in case of the original petition; *provided*, that no petition provided for in said section shall be received or filed by said board of supervisors within nine months after an election held pursuant to the provisions of said section four.

Result of election.

The board of supervisors, upon completion of said canvass by order entered in its minutes shall declare the persons receiving respectively the highest number of votes at said election in the several divisions, to be duly elected as directors.

Contest of election.

SEC. 8. Such election, or organization, may be contested by any person owning property within the proposed district liable to assessment. The directors elected at such election shall be made parties defendant. Such contest shall be brought in the superior court of Santa Clara county; *provided*, that if more than one contest be pending they shall be consolidated and tried together. The court shall speedily try such contest, and determine, upon the hearing, whether the

election was fairly conducted and in substantial compliance with the requirements of this act, and enter its judgment accordingly. Such contest must be brought within twenty days after the canvass of the vote and declaration of the result by the board of supervisors. The right of appeal is hereby given to either party to the record within thirty days from entry of judgment. The appeal must be heard and determined by the supreme court within sixty days from the time of filing the notice of appeal.

SEC. 9. The officers elected at the election hereinbefore provided for shall immediately enter upon their duties as such, upon qualifying in the manner for such officers herein provided. Said officers shall hold office respectively until their successors are elected and qualified. Directors to
qualify
immediately.

SEC. 10. The directors, on the first Tuesday after their election, after they shall have qualified, shall meet and classify themselves by lot into two classes of three and four members respectively, and the term of office of the class having four members shall expire at the next general February election in this act provided for; and the term of office of the class having three members shall terminate at the next general February election thereafter. After such classification, said directors shall organize as a board, shall elect a president from their number, and appoint a secretary, who shall each hold office during the pleasure of the board. The salary of the secretary and the amount of the bond to be given by him for the faithful performance of his duties shall be fixed by the board of directors. Terms of
directors.

Organization
of board.

SEC. 11. The board of directors shall hold a regular meeting on the first Tuesday of each month at the place selected as the office of the board; *provided*, that the board may, by resolution duly entered upon its minutes, fix any other time as the time for its regular monthly meeting, but no change in the time of holding regular meetings of the board shall be made until after the resolution proposing such change has been published once a week for two successive weeks in a newspaper published in the district. Such special meetings of the board of directors may be held as may be required for the proper transaction of the business of the district, but a special meeting must be ordered by a majority of the board. The order must be entered of record, and five days' notice thereof must be given to the secretary by each director not joining in the order. The order must specify the business to be transacted, and no other business than that specified in the order may be transacted at such special meeting, unless all the members are present and consent to the consideration of any business not specified in said order. All meetings of the board must be public and four members shall constitute a quorum for the transaction of business; *provided, however*, that on all questions requiring a vote, except a motion to adjourn or a motion to adjourn to a stated time, there shall be a concurrence of at least the number constituting a quorum. A smaller number of directors than a quorum may adjourn from day to day. Meetings.

When different time specified by law.

All records of the board shall be open to public inspection during business hours. Whenever any act is required to be done or proceeding taken by this act, or by an act supplemental or amendatory thereto, on the first Tuesday in any month, such act may be done or proceeding had upon the day specified in the resolution hereinbefore referred to as the time for the regular meeting of the board of directors; *provided*, that when a day other than the first Tuesday in the month shall have been specified as the time for the regular meeting of the board of directors, thereafter the newly elected officers of the district shall take office at noon on the day fixed for the regular monthly meeting of said board in March and said board shall meet for reorganization and the transaction of any other business of the district in the afternoon of said day.

SEC. 12. The board of directors at their regular monthly meeting in February of each year shall render and immediately thereafter cause to be published a verified statement of the financial condition of the district, showing particularly the receipts and disbursements of the last preceding year, together with the source of such receipts and purpose of such disbursements. Said publication shall be made at least once a week for two weeks, in some newspaper, published in said district.

Powers and duties of board.

SEC. 13. The board of directors shall have the power and it shall be their duty to manage and conduct the business and affairs of the district; make and execute all necessary contracts; employ and appoint such agents, officers, and employees as may be required, and prescribe their duties. The board and its agents and employees shall have the right to enter upon any land to make surveys, and may locate the necessary irrigation works, reservoirs, dams, wells, pumping plants, and any and all other means for the development, collection and storage of water and the line for canal or canals, pipe line or pipe lines, siphons, and structures of all kinds, and any and all other means for the measurement, transportation and delivery of water and the necessary branches for the same on any lands which may be deemed best for such location. Said board shall also have the right to acquire, by purchase, lease, contract, condemnation, or other legal means, all lands, and waters, and water rights, and other property necessary for the construction, use, supply, maintenance, repair and improvements of said canal, or canals, and works, including canals, and works constructed and being constructed by private owners, lands for reservoirs for the storage of needful waters and all necessary appurtenances, and also where necessary or convenient to said ends to acquire and hold the stock of other corporations domestic and foreign owning waters, canals, water-works, franchises, concessions or rights. Said board may enter into, and do any acts necessary or proper for the performance of any agreements with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance,

repair or operation of any rights, works or other property of a kind which might lawfully be acquired or owned by the irrigation district, and may acquire the right to store water in any reservoirs or to carry water through any canal, ditch or conduit not owned or controlled by the district, and may grant to any owner or lessee of the right to the use of any water the right to store such water in any reservoir of the district or to carry such water through any canal, ditch or conduit of the district.

SEC. 14. The board of directors may also construct the necessary works of all kinds necessary or proper for the conservation, collection, storage and distribution of water for said district, and do any and every lawful act necessary to be done, that sufficient water may be furnished to each landowner in said district for irrigation and domestic purposes; *provided*, that where, within said district mutual water companies have been organized to furnish water to certain specified lands within said district, the board of directors are hereby authorized and empowered to contract for the delivery of water for such lands as lie within the boundary of said water companies, through said mutual water companies only. The said board is hereby authorized and empowered to take conveyances, leases, contracts or other assurances for all property acquired by it under the provisions of this act, in the name of such irrigation district, to and for the uses and purposes herein expressed, and to institute and maintain any and all actions and proceedings, suits at law or in equity necessary or proper in order to fully carry out the provisions of this act, or to enforce, maintain, protect or preserve any and all rights, privileges and immunities created by this act, or acquired in pursuance thereof. And in all courts, actions, suits or proceedings, the said board may sue, appear and defend in person or by its attorneys, and in the name of such irrigation district.

Power to construct works.

Power to take conveyances, maintain suits, etc.

SEC. 14a. Whenever it shall appear that adequate drainage for lands irrigated or to be irrigated under the provisions of this act shall be necessary for the efficient or safe irrigation of such lands, then all works necessary or proper for such drainage by open ditches, covered drains, pumping, or other proper means, shall be considered a part of the necessary irrigation works and, as such, subject to all the provisions of this act.

Drainage works.

SEC. 15. It shall be the duty of the board of directors to establish equitable by-laws, rules and regulations for the distribution and use of water among the owners of said lands, which must be printed in convenient form for distribution in the district. Said board shall have power generally to perform all such acts as shall be necessary to fully carry out the purposes of this act.

Distribution and use of water.

SEC. 16. The board of directors, when they deem it advisable for the best interests of the district, and the convenience of the electors thereof, may at any time, but not less than sixty days before an election to be held in the district, fix or

Change of division or precinct boundaries.

Lease of
canals and
works.

change the boundaries of the divisions or election precincts of the district or of both. Such fixing or changing of boundaries of the divisions and precincts must be shown on the minutes of the board. The board of directors shall also have the power, and such board is hereby vested with the authority, to lease the system of canals and works in the district, or any part thereof, whenever such leasing may be for the benefit of the district; *provided*, that when the directors contemplate the leasing of the canals and works of such district, they shall give notice of such contemplation by publishing the same in some newspaper published in the district, at least three weeks prior to the making of any lease, and such lease shall be made to the highest bidder. But such board shall have the right to reject any and all such bids. Such lease shall in no way interfere with any rights that may have been established by law, at the time such lease is made; *and further provided*, that the board of directors shall require a good and sufficient bond to secure faithful performance of the lease by the lessees.

Condemna-
tion
proceedings.

SEC. 17. In case of condemnation proceedings the board shall proceed, in the name of the district, under the provisions of title seven, part three of the Code of Civil Procedure of the State of California, and all pleadings, proceedings, and process in said title provided shall be applicable to the condemnation proceedings hereunder.

Use of
water a
public use.

SEC. 18. The use of all water required for the irrigation of the lands of the district and for domestic and other incidental and beneficial uses within such district, together with the rights of way for canals and ditches, sites for reservoirs, and all other property required in fully carrying out the provisions of this act is hereby declared to be a public use, subject to the regulation and control of the state, in the manner prescribed by law.

General
irrigation
district
election.

SEC. 19. An election, which shall be known as the general irrigation district election, shall be held in the district on the first Wednesday in February in each odd-numbered year, at which a successor shall be chosen to each director whose term shall expire in March next thereafter. The person receiving the highest number of votes for each office to be filled at such election shall be elected thereto. The term of office of each director elected after the organization election shall be four years, or until his successor is elected and has qualified.

Official
oath and
bond.

SEC. 20. Within ten days after receiving their certificates of election hereinafter provided for, said officers shall take and subscribe the official oath, and file the same in the office of the board of directors, and execute the bond hereinafter provided for. Each member of said board of directors shall execute an official bond in the sum of five thousand dollars, which said bonds shall be approved by a judge of the superior court of Santa Clara county, and shall be recorded in the office of the county recorder thereof, and filed with the secretary of said board. All official bonds herein provided for shall be in

the form prescribed by law for the official bonds of county officers and the premiums thereon may be paid by the district.

SEC. 21. At noon of the first Tuesday in March next following their election, except as provided in section eleven of this act, the directors who shall have been elected at the preceding general irrigation district election shall enter upon the duties of their respective offices. On the first Tuesday in March next following each election, the directors shall meet and organize as a board, elect a president and appoint a secretary, who shall each hold office during the pleasure of the board.

Term of office commences.

Reorganization of board.

SEC. 22. Fifteen days before any election held under this act, subsequent to the organization of the district, the secretary of the board of directors shall cause notices to be posted in three public places in each election precinct, within the divisions wherein such election will be held, of the time and place of holding the election and shall also post a general notice of the same in the office of said board, which shall be established and kept at some fixed place, to be determined by said board, specifying the polling places of each precinct. Prior to the time for posting the notices, the board must appoint for each precinct, from the electors thereof, one inspector and two judges, who shall constitute a board of election for such precinct. If the board fail to appoint a board of election, or the members appointed do not attend at the opening of the polls on the morning of election, the electors of the precinct present at that hour may appoint the board, or supply the place of an absent member thereof. The board of directors must, in its order appointing the board of election, designate the house or place within the precinct where the election must be held.

Notice of elections.

Appointment of election boards.

SEC. 23. The inspector is chairman of the election board and may administer all oaths required in the process of an election; and appoint judges and clerks if, during the progress of the election, any judge or clerk cease to act. Any member of the board of election, or any clerk thereof, may administer and certify oaths required to be administered during the progress of an election. The board of election of each precinct must, before opening the polls, appoint two persons to act as clerks of the election. Before opening the polls, each member of the board and each clerk must take and subscribe an oath to faithfully perform the duties imposed upon them by law. Any elector of the precinct may administer and certify such oath. The polls must be opened at eight a.m. on the morning of the election, and be kept open until four p.m., when the same must be closed.

Powers of inspectors.

Oath of office.

SEC. 24. The ballot used at the election shall be provided by the board of directors, and one of the clerks of election shall deliver, to each of the electors, one of the ballots so provided. The ballots shall have printed on them the names of all candidates whose names have been filed as provided in this act, with a voting square behind each name. The names shall be arranged in groups, alphabetically, under the designation of the office for which each person named is a candidate. The words, "vote for one" shall be printed under the title of the

Ballots.

office. Each elector shall stamp a cross with a rubber stamp to be provided by the board of directors, in the square behind the name of the candidate he wishes to vote for.

Nominations. SEC. 25. Not less than ten days before the election, any ten or more electors in the division wherein a director is to be elected at such election, may file with the board of directors a petition, requesting that certain persons, specified in such petition be placed on the ballot as candidates for the office named in the petition. The names proposed by the various petitions so filed, and no others, shall be printed on the ballots. But there shall be sufficient blank spaces left in which electors may write other names if they so desire and when a name is written in such blank space the vote shall be counted for the person whose name is so written in. The petitions shall be preserved in the office of the secretary of the district.

Conduct of elections.

SEC. 26. Voting may commence as soon as the polls are opened, and may be continued during all the time the polls remain opened, and shall be conducted, as nearly as practicable, in accordance with the provisions of the general election laws of this state. As soon as all the votes are counted, a certificate shall be drawn upon each of the papers containing the poll lists and tallies, or attached thereto, stating the number of votes each one voted for has received, and designating the office to fill which he was voted for, which number shall be written in figures and in words at full length. Each certificate shall be signed by the clerk, judge, and the inspector. One of said certificates, with the poll list and the tally paper to which it is attached, shall be retained by the inspector, and preserved by him at least six months. The ballots shall be strung upon a cord or thread by the inspector, during the counting thereof, in the order in which they are entered upon the tally list by the clerks; and said ballots together with the other of said certificates, with the poll list and tally paper to which it is attached, shall be sealed by the inspector in the presence of the judges and clerks, and indorsed "Election returns of (naming the precinct) precinct," and be directed to the secretary of the board of directors, and shall be immediately delivered by the inspector or by some other safe and responsible carrier designated by said inspector, to said secretary, and the ballots shall be kept unopened for at least six months; and if any person be of the opinion that the vote of any precinct has not been correctly counted, he may appear on the day appointed for the board of directors to open and canvass the returns, and demand a recount of the vote of the precinct that is so claimed to have been incorrectly counted.

Preparation of election returns.

Canvass of returns.

SEC. 27. No list, tally paper, or certificate returned from any election, shall be set aside or rejected for want of form, if it can be satisfactorily understood. The board of directors must meet at its usual place of meeting on the first Monday after each election to canvass the returns. If, at the time of meeting, the returns from each precinct in the district in which the polls were opened have been received, the board of directors must then and there proceed to canvass the returns; but if all

the returns have not been received, the canvass must be postponed from day to day until all the returns have been received, or until six postponements have been had. The canvass must be made in public and by opening the returns and estimating the vote of the district for each person voted for, and declaring the result thereof.

Sec. 28. The secretary of the board of directors must, as soon as the result is declared, enter in the records of such board a statement of such result, which statement must show: (a) The whole number of votes cast in each division of the district; (b) the names of the persons voted for; (c) the office to fill which each person was voted for; (d) the number of votes given in each precinct to each of such persons; (e) the number of votes given in each division for the office of director. The board of directors must declare elected the persons elected according to the provisions of this act. The secretary must immediately make out and deliver to each such person a certificate of election, signed by him, and authenticated with the seal of the board. In case of a vacancy in the office of director, the vacancy shall be filled by appointment by the board of supervisors of Santa Clara county, from the division in which the vacancy occurred. An officer appointed as above provided shall hold his office until the next regular election for said district, and until his successor is elected and qualified.

Sec. 29. A director shall be a resident of and owner of irrigable land within the irrigation district and a resident of the division which he is elected to represent.

Sec. 30. The holder of any elective office of the district may be removed or recalled at any time by the electors; *provided*, he has held his office at least six months. The procedure to effect such removal or recall shall be as follows: A petition demanding the election of a successor to the person sought to be removed shall be filed with the secretary of the board of directors of such district, which petition shall be signed by registered voters equal in number to at least twenty-five per cent of the highest vote cast within such district for candidates for the office, the incumbent of which is sought to be removed, at the last general election in such district at which an incumbent of such office was elected. or, in the case of the removal of the incumbent of an office elected by a subdivision of such district, such petition shall be signed by a like percentage of qualified electors of such subdivision computed upon the total number of votes cast in such subdivision for all candidates for the office, the incumbent of which is sought to be removed, at the last general election in such subdivision at which an incumbent of such office was elected; and said petition shall contain a statement of the grounds on which the removal or recall is sought, which statement is intended solely for the information of the electors. Any insufficiency of form or substance in such statement shall in nowise affect the validity of the election and proceedings held thereunder. The signatures to the petition

Statement of result.

Certificates of election.

Vacancies.

Qualifications of directors.

Removal or recall of officers.

Petition.

need not all be appended to one paper. Each signer shall add to his signature his place of residence, giving the precinct, and if within a town having named streets and numbered houses, street and number. Each such separate paper shall have attached thereto an affidavit made by an elector of the district and sworn to before an officer competent to administer oaths, stating that the affiant circulated that particular paper and saw written the signatures appended thereto; and that according to the best information and belief of the affiant each is the genuine signature of the person whose name purports to be thereunto subscribed and of a qualified elector of the district. Within ten days from the date of filing such petition, the secretary of the board shall examine and from the records of registration ascertain whether or not said petition is signed by the requisite number of qualified electors, and he shall attach to said petition his certificate showing the result of said examination. If by the said certificate the petition is shown to be insufficient, it may be supplemented within ten days from the date of such certificate, by the filing of additional papers, duplicates of the original petition except as to the names signed. The secretary shall, within ten days after such supplementing papers are filed, make like examination of a supplementing petition, and if a certificate shall show that all the names to such petition, including the supplemental papers, are still insufficient, no action shall be taken thereon; but the petition shall remain on file as a public record; and the failure to secure sufficient names shall be without prejudice to the filing later of an entirely new petition to the same effect. If the petition shall be found to be sufficient, the secretary shall submit the same to the board of directors without delay, whereupon the board shall forthwith cause a special election to be held within not less than thirty-five nor more than forty days after the date of the order calling such election, to determine whether the voters will recall such officer; *provided*, that if a general election is to occur within sixty days, from the date of the order calling for such election, the board may in its discretion postpone the holding of such election to such general election or submit such recall election at any such general election for officers of such district occurring not less than thirty-five days after such order. If a vacancy occur in said office after a recall petition is filed, the election shall nevertheless proceed as in this section provided. One petition is sufficient to propose a removal and election of one or more elective officials. One election is competent for the removal and election of one or more elective officials. Nominations for any office under such recall election shall be made in the manner prescribed by section twenty-five of this act.

Call
for special
election.

Ballot.

There shall be printed on the recall ballot, as to every officer whose recall is to be voted on thereat, the following question: "Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of the office)?" following which question shall be the words "yes" and "no"

on separate lines, with a blank space at the right of each, in which the voter shall indicate, by stamping a cross (X) his vote for or against such recall. On such ballots, under each such question, there shall also be printed the names of those persons who have been nominated as candidates to succeed the person recalled, in case he shall be removed from office by said recall election; but no vote shall be counted for any candidate for said office unless the voter also voted on said question of the recall of the person sought to be recalled from said office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office. If a majority of those voting on said question of the recall of any incumbent from office shall vote "no", said incumbent shall continue in said office. If a majority shall vote "yes", said incumbent shall thereupon be deemed removed from such office, upon the qualification of his successor. The election shall be conducted, canvass of all votes for candidates for said office shall be made and the result declared in like manner as in a regular election within such district. If the vote at any such recall election shall recall the officer, then the candidate who has received the highest number of votes for the office shall be thereby declared elected for the remainder of the term. In case the person, who received the highest number of votes shall fail to qualify within ten days after receiving the certificate of election the office shall be deemed vacant and shall be filled according to law. If the vote at any such recall election shall not recall the officer, no further petition for the recall of such officer shall be filed before the expiration of six months from the date of such first recall election.

Conduct and
result
of election.

SEC. 31. The legal title to all property acquired under the provisions of this act shall immediately and by operation of law vest in said district, and shall be held by such district, in trust for, and is hereby dedicated and set apart to the uses and purposes set forth in this act. And said board is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess said property, as herein provided. The board of directors may determine by resolution duly entered upon their minutes that any property, real or personal, held by such irrigation district is no longer necessary to be retained for the uses and purposes thereof, and may thereafter sell such property; and a conveyance of any property held by said district, executed by the president and secretary thereof, in accordance with a resolution of the board of directors of such district, when sold for a valuable consideration, shall convey good title to the property so conveyed.

Property
may be
acquired, etc.

SEC. 32. Each year, at least fifteen days before the first day of the month in which the board of supervisors is required by law to levy the amount of taxes required for county purposes the board of directors of said district shall furnish to the board of supervisors and the auditor of Santa Clara county an estimate in writing of the amount of money required by the district during the fiscal year for all

Annual
financial
estimate.

purposes other than the acquiring by purchase or otherwise, of water or water rights, lauds, rights of way or property of any kind to be used in the development, storage, conservation or distribution of water; the construction, operation or maintenance of reservoirs, canals, pipe lines or other means of development, conservation, storage or distribution of water; and the payment of principal or interest of bonds issued for any of the foregoing purposes. The said board of supervisors must annually, levy an assessment upon the taxable property in said district sufficient to raise the amount of money so estimated by the board of directors; *provided, however*, that such assessment any year shall not be more than one-half mill upon each dollar of assessed valuation of property within the district. Such assessment shall be levied and collected at the time and in the manner as the general tax levy for county purposes and when collected shall be paid into the county treasury of said Santa Clara county and credited to the general fund of the Santa Clara county irrigation district and paid out on warrants as in this act provided.

Annual
tax levy.

Surveys,
plans,
estimates,
etc.

SEC. 33. For the purpose of constructing or purchasing necessary irrigation canals and works, and acquiring the necessary property and rights therefor, and for the purpose of acquiring waters, water rights, reservoirs, reservoir sites, and other property necessary for the purposes of said district, and for the purpose of reimbursing the general fund of the district for money expended for surveys, examinations, drawings, and plans, in this section provided for, and otherwise carrying out the provisions of this act, or any other act under which said district is or may be authorized to acquire property or construct works, the board of directors of said district must estimate and determine the amount of money necessary to be raised. For the purpose of ascertaining the amount of money necessary to be raised for such purposes, or any of them, said board shall cause such surveys, examinations, drawings and plans to be made as shall furnish the proper basis for said estimate. Said surveys, examinations, drawings and plans, and the estimate based thereon may provide that the works necessary for a completed project shall be constructed progressively during a period of years. In the estimate of the amount of money necessary to be raised by the first issue of bonds for any particular project, the board of directors may include a sum sufficient to pay the interest on all of such bonds for three years or less. All such surveys, examinations, drawings and plans shall be made under the direction of a competent irrigation engineer and shall be certified by him. The plans to be carried out may be divided by said board into separate portions or projects in such manner as will in its judgment best facilitate the levying of assessments or issue of bonds, for each particular portion or project in a just and equitable manner according to benefits upon the lands in said district. Said board shall enter in the minutes of the board, a resolution to the effect that the execution of each such separate portion or project which they may determine upon is a public necessity.

Projects.

Each such particular portion or project shall be designated by the board in such resolution by name and number. All assessments, plans, bond issues and funds intended for or connected with the execution of each particular portion or project shall be designated by such name and number and shall be kept separate and shall be used only for the purpose of carrying out such particular portion or project.

SEC. 34. The board of directors shall then submit a copy of the said engineer's report to the commission authorized by law to approve bonds of irrigation districts for certification as legal investments for savings banks and for the other purposes specified in the act creating said commission. Said commission shall forthwith examine said report and any data in its possession or in the possession of said district and shall make such additional surveys and examinations at the expense of the district as it may deem proper or practicable, and as soon as practicable thereafter shall make to the board of directors of said district a report which shall contain such matters as, in the judgment of the said commission, may be desirable; *provided*, that it may state generally the conclusions of said commission regarding the supply of water available for the project, the nature of the soil proposed to be irrigated as to its fertility and susceptibility to irrigation, the probable amount of water needed for its irrigation, and the probable need of drainage, the cost of works, water rights and other property necessary for a complete and satisfactory project, the proper basis for apportionment of benefits and whether in its opinion it is advisable to proceed with the proposed bond issue. If the estimate of the amount of said bond issue shall have included any amount for the payment of interest on the bonds of such issue, as provided in section thirty-three of this act, it shall be lawful for the board of directors, if the issuance of such bonds is thereafter authorized by vote of the electors of the district, to use for the payment of interest on any bonds of such issue so much of the proceeds of the sale of said bonds as may have been approved for that purpose in said report of the commission.

Examination
and report
of bond
classification
commission.

SEC. 35. If after such examination and investigation the said commission shall deem it advisable that the said plans be modified or that the amount of the bonds proposed to be issued be changed, or that certain conditions should be prescribed to insure the success of the project, or that in its opinion it is not advisable to proceed with the proposed bond issue, it shall so state in its report to the board of directors. After receiving said report, or if no report is received within ninety days after the submission of said data to said commission, said board of directors, if it shall determine and shall declare by resolution that the proposed plan of works or some modified plan recommended by said commission is satisfactory and that the said project or said modified plan is feasible, shall make an order determining the amount of bonds that should be issued in order to raise the money necessary therefor; *and provided, further*, that if the district shall issue bonds to carry out any plans

Modification
of plans.

approved by said irrigation district bond commission as herein provided it shall be unlawful for said district to make any material change in said plans thereafter without the consent of said commission.

Appoint-
ment of
assessors.

For the purpose of apportioning the cost of any such project the board shall appoint three assessors who shall be disinterested persons, and shall have no interest in any real estate within said district, and each of whom, before entering upon his duties, shall make and subscribe an oath that he is not in any manner interested in any real estate within said district, directly or indirectly, and that he will perform the duties of an assessor to the best of his ability. Said assessors must assess upon the lands within said district the said sums so estimated by the board, and shall apportion the same according to the benefits that will accrue to each tract of land in said district, respectively, by reason of the expenditure of said sums of money.

Assessment.

Preliminary
report.

After said assessors have examined the plan or plans of the works contemplated and the said estimates of the cost, they shall make a preliminary report to the board indicating the exterior boundaries of the lands that in their opinion will be benefited by the expenditure. The assessors shall then appoint a time and place in Santa Clara county when and where they will hear objections to the said report, and also evidence concerning the manner in which said estimated costs should be apportioned. They shall give twenty days' notice of said hearing by publication in a newspaper published in said county. They shall exclude any land that will not be benefited by the expenditure of said sums and shall assess all lands that will be benefited thereby. Said assessors shall make a list of the lands so assessed, which list shall contain a description of the tracts of land assessed, by legal subdivisions, or other boundaries or references sufficient to identify the same; the name of the owner, if known, or if unknown, that fact, and the amount of the charge assessed against each tract. No mistake in the name of the owner, or supposed owner of any real estate shall invalidate the assessment or bonds based thereon.

Notice of
hearing.

Assessment
list.

Said lists when completed shall be filed with the secretary of the board and the same shall be open for inspection by the public for at least thirty days. The compensation of said assessors shall be fixed and allowed by the board. The board shall appoint a time and place not less than thirty days after said list has been filed with the secretary when and where it will meet for the purpose of hearing objections to said assessments, and notice of such hearing shall be filed with the secretary and published for two weeks in some newspaper published in said county. At any time before the date of such hearing any person interested in any real estate upon which any charge has been assessed, may file in the office of the secretary of the board written objections to such assessment, stating the grounds of such objections, which said statement shall be verified by the affidavit of such person or some other person who is familiar with the facts. At such hearing the board shall hear such evidence as may be offered touching

Notice of
hearing.

Hearing.

the correctness of such assessment or the manner of its apportionment, and may modify or amend the same and may reapportion all or any part of the entire assessment. If said assessment shall be reapportioned, the board shall give two weeks' notice as before, and proceed to hear objections as before, and shall then reconsider said assessment and make an order approving said assessment as finally fixed; said assessment lists shall thereupon be by the board filed in the office of the county treasurer of Santa Clara county, and thereafter said assessment valuations shall be used as a basis for assessments in raising funds for the construction, maintenance and repair of the works of said project.

Reapportionment.

SEC. 36. Within thirty (30) days after said lists are filed with the county treasurer an election shall be called and held by the board in that part of said district affected by said assessment or the issuance of said bonds, to determine whether the money necessary to pay the costs of the works and other expenses to be paid out of such assessment shall be raised and whether it shall be raised by calls to be made upon such assessment in such installments as may from time to time be determined by said board, or whether bonds of the district shall be issued in an amount equal to the amount of such assessment, which amount shall be entered by the board in its records and stated by said board in its order for said election, which order shall be entered upon the minutes of said board.

Election to determine manner of raising funds.

SEC. 37. The board shall in its order providing for said election specify the day on which said election shall be held and shall specify and designate one or more polling places as it may determine to be necessary for the holding of such election. In case the board shall consider it necessary or proper to provide more than one polling place for the holding of such election, the board shall in said order divide the lands affected by said assessment, into separate voting districts, and shall designate and provide one polling place for and within each such voting district at which shall be cast the votes of the owners of land within such voting district.

Voting districts and polling places.

SEC. 38. The board shall also in said order providing such election appoint a board of election for each such polling place, which board of election shall consist of three owners of land assessed in and by said assessment and situated within such voting district where such polling place is located. Each member of such board of election, whether so appointed by the board or whether acting as a substitute as hereinafter provided, shall be entitled to the sum of five dollars for his services as such, to be paid by said board out of any funds of the district or of said board applicable thereto.

Election boards.

SEC. 39. Notice of such election must be given by the board by posting notices thereof in at least three public places in each voting district at least twenty-one days prior thereto, and also by publication for the same length of time in some newspaper of general circulation published in said Santa Clara county. Such notice must specify the time and

Notice of election.

Affidavits
of publica-
tion.

place of holding such election, the aggregate sum of money proposed to be raised, and the names of the persons appointed to act as the board of election. Affidavits of publication and posting of such notices must be filed with the county clerk of said county, together with a copy of said order calling such election certified to by the secretary or assistant secretary of the board. Duplicate original affidavits of publication of posting of such notice shall also be filed in the office of the board.

Votes
owner en-
titled to
cast.

SEC. 40. At such election the owner or owners of each tract of land assessed in and by such assessment shall have the right in person or by proxy to cast one vote for each one dollar of the amount for which said tract of land is assessed by said assessment. In case there shall be more than one owner of any tract of land separately assessed in and by said assessment, all of such owners shall unite in the ballot to be cast at such election for and on behalf of such tract of land, or shall authorize one or more of their number or some other person to cast such vote for them by proxy.

Authority
to vote.

SEC. 41. Guardians, executors, administrators and other persons holding land in a trust capacity under appointment of court may vote, at said election without obtaining special authority therefor. The vote of any public or private corporation or any district, levee district, drainage district or other public agency entitled to vote at such election, may be cast by any person authorized by the board of directors or trustees or other managing body thereof, which authorization shall be in writing and certified to by the secretary or clerk thereof and attested by its seal duly acknowledged and filed with the board of election. No person shall vote by proxy at such election unless authority to cast such vote shall be evidenced by an instrument in writing duly executed, acknowledged and certified in the same manner as grants of real property and filed with the board of election.

Right to
vote.

In case of the change of ownership of any tract of land, or in case the name of the owner of any tract of land be not correctly stated in the voting list, or in case it be assessed to unknown owners, the right to vote shall belong to the owner of such land at the time of the holding of such election; and if the right of any person to vote as the owner of any such tract of land be disputed or challenged, the question of his right to vote shall be determined by the board of election after examining him under oath, which oath any member of such board of election is hereby authorized to administer, and any person testifying falsely upon such examination shall be guilty of perjury. Any person voting or attempting to vote at such election who is not entitled to vote at such election, as herein provided, shall be subject to the same penalties and punishments as provided by the general election laws of this state, for voting or attempting to vote illegally.

Voting list.

SEC. 42. The board shall, prior to such election, cause to be prepared and certified by its secretary or assistant secre-

tary, and furnished to the board of election in each said voting district a true and correct voting list containing the reference number of each tract separately assessed upon the assessment list, to whom assessed, and the amount of the assessment thereon with reference to which the election is to be held, which voting list shall be used by the board of election in determining the right to vote and the number of votes to be cast by each voter, and shall be sufficient evidence thereof.

SEC. 43. For the purpose of determining the so-called "reference number" of each tract separately assessed upon the assessment lists, the board shall, before preparing such voting lists, cause each tract of land separately assessed upon the assessment lists, unless already done, to be given a separate number to be designated as the "reference number" of such tract, which reference numbers shall be entered upon the assessment lists opposite the several tracts separately assessed, respectively.

Reference numbers.

SEC. 44. The ballot cast at such election shall contain the words "Assessment—Yes" or the words "Assessment—No" and the words, "Bonds—Yes" or the words "Bonds—No," and also the signature of the person or persons casting the ballot, with the number of votes cast by such voter. If a ballot is cast by proxy, it shall also contain the name of the land owner for whom the ballot is cast and the signature of the person casting the said vote as such proxy. A list of the ballots cast shall be made by the board of election, containing the name of each voter, and if the ballot be cast by proxy, the name of the person casting it and the number of votes cast by each and whether the same be cast for or against the issuing of the bonds.

Ballots.

List of ballots cast.

SEC. 45. If any person appointed as a member of the board of election shall fail to attend at the opening of the polls, the voters then present may appoint in his place any land owner of the voting district then present and entitled to vote at such election at such polling place, to fill the position of any such absent member thereof. Each member of such board of election must before entering upon the discharge of his duties as such, take and subscribe an official oath, which oath may be administered by any officer authorized by law to administer oaths, or by any land owner in said district. Such oath shall be to the effect that he will support the constitution of the United States and the constitution of the State of California, and that he will faithfully perform the duties of member of such election board to the best of his ability.

Vacancies on election boards.

Oath of office.

SEC. 46. The polls at each such polling place for said election shall be kept open from eight o'clock in the forenoon until four o'clock in the afternoon of the day appointed for such election. At the close of the polls the board of election shall at once proceed to canvass the votes and declare the result, and shall forward a certificate showing each result and the number of votes cast for and against the issuing of bonds, to the board

Time polls open,

Canvass of votes, etc.

of directors of said district, and shall deliver a duplicate thereof to the county clerk of Santa Clara county, and shall also deliver to said board all ballots, voting lists and lists of ballots cast at such election, and all documents and papers used thereat. Thereupon the board shall examine and canvass said certificates received from such boards of election, and shall determine therefrom and declare, and enter in its minutes as the managing body of said district, the total result of such election. Any person interested may within ten days after the result thereof has been so determined and declared by the board contest such election by bringing suit in the superior court of Santa Clara county, and if no contest shall be so commenced within said time, the declaration of the result by the board shall be final and conclusive.

Contests.

If majority favor assessment and bonds.

SEC. 47. If a majority of the votes cast at such election are in favor of said assessment and a majority of said votes are in favor of the issuance of bonds, the board shall cause bonds of the district, in the amount stated in said order calling such election, to be prepared and executed and delivered to the treasurer of Santa Clara county. Said bonds shall be of the denomination of not less than one hundred dollars nor more than one thousand dollars each. They shall be signed by the president of the board and attested by the secretary of said board with the seal of said board affixed thereto, and shall be numbered consecutively in the order of their maturity and shall bear date either January first or July first and shall bear interest at a rate to be fixed by the order of the board for issuance of the bonds not to exceed six per cent per annum payable semi-annually on the first day of January and the first day of July in each year, at the office of the said county treasurer upon presentation of the proper coupons therefor. Coupons for each installment of interest shall be attached to said bonds and shall bear the facsimile signature of the said county treasurer.

Bonds payable serially.

SEC. 48. The principal of said bonds shall by an order of said board entered in its minutes, be made payable on the first day of July or the first day of January and in such years as the board may prescribe, but such bonds shall be payable serially within twenty years from their date in the manner following, to wit: Not less than ten per cent of the aggregate face value of such bonds issued shall be payable within ten years from their date, and not less than nine per cent of the aggregate face value of such bonds issued shall be payable each year beginning with the eleventh year from their date, until the whole amount of said bonds have been paid.

Payment of bonds.

SEC. 49. Out of the bond fund of such assessment the said county treasurer shall, on presentation at or after its maturity, pay to the holder thereof each such bond or interest coupon which shall have been sold or which shall have been issued and delivered upon an order of the board payable in bonds as hereinafter provided. If any bond or interest coupon shall not be presented to the said treasurer for payment when the same becomes due, it shall cease to bear interest, but if pre-

sented at or after such time and not paid for want of funds, the said treasurer shall so endorse such bond or coupon, together with the date of presentation, and thereafter such bond or coupon shall bear interest at the rate expressed in the bond until paid or until funds have been provided in the treasury applicable to its payment.

SEC. 50. Said bonds may be substantially in the following form: Form of bonds.

United States of America
State of California.

No.----- \$-----

Santa Clara County Irrigation District.

Santa Clara county irrigation district, in the State of California, for value received, hereby acknowledges itself indebted to and promises to pay to the holder hereof at the office of the county treasurer of the county of Santa Clara, State of California, on the first day of -----, 19---, the sum of -----dollars, in gold coin of the United States of America, with interest thereon in like gold coin from date hereof until paid at the rate of ----- per cent per annum, payable at the office of said county treasurer semi-annually on the first day of January and the first day of July in each year on presentation and surrender of the interest coupons hereto attached. This bond is one of a series of ----- bonds of like tenor and effect, except as to denomination and maturity, numbered from ----- to -----, inclusive, amounting in the aggregate to \$----- issued in accordance with an act of the legislature of the State of California approved -----, 1921, authorizing the same, and is based upon and secured by an assessment levied on lands in said district known and designated as (name and number of assessment), and filed in the office of the county treasurer of Santa Clara county, wherein are situated the lands assessed thereby. And the said Santa Clara county irrigation district does hereby certify and declare that the issuance of said bonds was duly authorized by an election duly called and held upon due notice, and the result thereof was duly canvassed and ascertained in pursuance of and in strict conformity with the laws of the State of California applicable thereto, and that all the acts and conditions and things required by law to be done precedent to and in the issuance of the said bonds have been done and performed in regular and in due form and in strict accordance with the provisions of law authorizing the issuance of the bonds of said Santa Clara county irrigation district.

In witness whereof, the said Santa Clara county irrigation district, acting through the board of said district, has caused this bond to be signed by the president of said board and attested by the secretary of said board with the seal of said board affixed this ---- day of -----, 19---.

President of said board.

Attest:-----

Secretary of said board.

Form
of interest
coupons.

And the interest coupons may be substantially in the following form:

No.----- \$-----

The treasurer of the county of Santa Clara, State of California, will pay to the holder hereof on the ----- day of -----, 19___, at his office in the city of San Jose, State of California, the sum of \$-----, in gold coin of the United States, out of the funds of the Santa Clara county irrigation district applicable thereto, for interest on bond of said district numbered -----.

Attest: -----

Treasurer of Santa Clara county.

Actions to
determine
validity of
bonds.

SEC. 51. The board shall deliver the bonds prepared pursuant to this act duly signed and attested, to the said county treasurer. Within ten days after said bonds have been delivered to the treasurer, an action may be commenced by the board in the superior court of the State of California, in and for the county of Santa Clara, against the land and all persons owning the same or interested therein, in that portion of the Santa Clara county irrigation district affected by said assessment or the issuance of said bonds, to have it determined that said bonds are a legal obligation of said district. Such action shall be in the nature of a proceeding in rem and the defendants in such action shall be designated as "All persons owning or claiming any interest in or lien upon any lands within the district affected by that certain assessment known and designated as (giving the name and number of the assessment)." It shall be sufficient to describe said lands as all lands affected by such assessment, without a more specific description. A summons shall be issued in such action, which summons, beside the matters required by section four hundred seven of the Code of Civil Procedure, shall contain a statement that the action is brought to determine the validity of the bonds of the district to the amount stated therein executed by the board and delivered to the said county treasurer and based upon and to be paid out of an assessment levied by said board upon lands within the district assessed in and by that certain assessment known and designated as (giving name and number of the assessment). Jurisdiction by the court over all parties interested in said action shall be obtained by publication of a copy of the summons at least once a week for three successive weeks in a newspaper of general circulation published in Santa Clara county, which newspaper shall be designated by the court or a judge thereof. Within thirty days after completion of the publication of such summons any owner of land assessed by said assessment or any one interested in any such land may appear and answer the complaint in such action which answer shall be verified and shall set forth the facts relied upon to show the invalidity of said bonds. The default of all defendants not so appearing may be entered. Such action shall be given precedence in hearing and trial over all other civil actions or proceedings in such court, and judgment shall be rendered therein declaring such bond either

valid or invalid. Any party not in default shall have the right within thirty days after the entry of such judgment to appeal therefrom to the supreme court of this state, which appeal shall be advanced upon the calendar of the court in which the appeal may be pending and shall be determined as early as possible. Judgment for the plaintiff in such action declaring such bonds to be valid shall be considered as a judgment in rem and shall be conclusive against said district and against all lands therein subject to said assessment and bonds and all owners thereof and all other interested persons. Costs may be awarded to or against any party appearing in such action as the court in its discretion may determine. Any action or proceeding commenced by any party other than the board to contest or in any manner interfere with the validity or disposition of said bonds must be tried in the superior court of the State of California, in and for Santa Clara county, and no such action or proceeding shall be commenced by any party other than the board until the expiration of ten days after such bonds have been so executed and delivered to the county treasurer, nor unless the action in this section provided for shall not have been commenced by the board within said period of ten days.

Sec. 52. The said county treasurer shall receive and place the said bonds to the credit of said district, and shall when and as directed by the board sell any of said bonds for the best price obtainable therefor, but in no event for less than ninety-five per cent of the face value of such bonds and the accrued interest thereon. Before making a sale of any of said bonds, notice shall be given by the treasurer that he will sell a specified amount of said bonds, stating the day, hour and place of said sale. Such notice shall state that sealed proposals will be received by him for the purchase of said bonds or any part thereof at the day and hour named in the notice. Such notice shall be given by publication once a week for three successive weeks in a newspaper of general circulation published in the city of San Jose. At the time and place appointed in said notice the treasurer shall open the bids and shall award the purchase of the bonds or any part thereof to the highest responsible bidder, or if the highest bid is not equal to par and accrued interest he shall notify the board of the amounts of the highest bids received, and reject any or all bids if so required by said board. At any time before all such bonds held by the county treasurer shall have been sold by him, said board may draw upon the said treasurer for, and issue and deliver any such unsold bonds at not less than the face value thereof in payment for any works or other expenses for which said assessment has been levied and for which such bonds have been authorized, and may make contracts for any of the said works or expenses, payable in whole or in part in such bonds and in making such payments in bonds, said board shall draw orders upon the said county treasurer payable in such bonds to the amount therein named, which orders shall be countersigned by the auditor of Santa Clara county and shall be paid

Appeals.

Costs.

Sale of bonds.

Notice.

Bids.

Issuance in payment of expenses.

with such bonds by the county treasurer upon presentation of the amount therein provided for, if there be sufficient bonds on hand to pay the same. In drawing any such order upon the said treasurer payable in such bonds as aforesaid, the board may specify the maturity of the bonds which are to be delivered in compliance with such order and such specifications shall be complied with by the treasurer as far as possible.

Construction
fund,
creation and
use of.

SEC. 53. The money derived from the sale of any of said bonds shall be received by the said county treasurer and shall be by him safely kept and placed to the credit of the district in a fund to be designated as the "construction fund of (giving name and number of the assessment upon which the bonds are based)." and may be drawn and expended upon warrants drawn by the auditor of Santa Clara county at the request of the board upon and payable out of said construction fund.

Bonds as
legal
investments.

SEC. 54. The bonds of the district issued pursuant to this act which are investigated and approved by any commission or officer now or hereafter authorized by any law of this state to conduct such investigation and give such approval and by authority of which approval said bonds are declared to be legal investments for saving banks, may be lawfully purchased or received in pledge for loans by banks, trust companies, insurance companies, guardians, executors, administrators and special administrators, or by any public officer or officers of this state or of any county, city, or city and county, or other municipality or corporate body within this state having or holding funds which they are allowed by law to invest or loan.

Funds set
aside to pay
interest.

SEC. 55. From the first money received from the sale of any such bonds the said county treasurer shall retain an amount which with the other funds in his hands applicable to the payment of such interest will be sufficient to pay the interest which will fall due during the period of one year thereafter upon all such bonds which have been so sold, or which have been issued and delivered on orders of the board payable in bonds, and which are still outstanding; and the treasurer shall at all times retain in his hands sufficient money from the sale of such bonds which, with other funds applicable thereto in his hands, will be sufficient to pay all interest to accrue within the period of one year next succeeding upon all such bonds so sold or issued and delivered and still outstanding; and the money so withheld by the treasurer shall be applied on said bonds and interest thereon shall not be used for any other purpose.

Treasurer's
duty
regarding
bonds sold.

SEC. 56. Whenever any of such bonds are sold or delivered by the treasurer either to a purchaser thereof or upon an order from said board payable in such bonds, the treasurer shall first detach therefrom and cancel all past due interest coupons and deliver such canceled coupons to the board or its secretary, and shall also at once certify and deliver to said board or its secretary a list of such bonds so sold or delivered, showing the serial numbers, denominations and date of maturity of the bonds so sold or delivered, the price received

for each bond sold, and the date of maturity of the earliest maturing interest coupon left attached to each bond so sold or delivered. The treasurer shall also certify and deliver to the said board or its secretary whenever requested, a statement of all such bonds and coupons for interest thereon paid by him and of all bonds or coupons presented for payment and not paid for want of funds, with the date of presentation.

SEC. 57. The board shall maintain in its office and open to public inspection at all reasonable times during office hours, a book or books to be known as the bond record of the district, containing a complete record of the existing condition of the whole of each such bond issue as compiled from time to time from such reports from the county treasurer, from which can be ascertained the amount of bonds outstanding and the interest accumulated and unpaid thereon.

Bond record.

SEC. 58. In case there shall be several bond issues under this act, based upon several different assessments, respectively, all of the proceedings, records and transactions of every kind herein provided for shall be had and kept separately with reference to each such bond issue.

Separate bond issues.

SEC. 59. If a majority of the votes cast at any election held under the provisions of this act to determine the questions set forth in section 36 of this act are in favor of the proposed assessment, such assessment shall constitute a lien upon the lands assessed from the time the result of such election is declared by the board of directors. The secretary of the district shall enter in the minutes of said board the time of such declaration immediately after the same is made.

Assessment a lien.

SEC. 60. If, at any such election the majority of all votes cast are in favor of the proposed assessment and a majority of all the votes cast are against a bond issue, the assessment may be collected at one time or in installments as may be determined by the board of directors. The board of directors shall declare the whole or any installment of said assessment to be due at any time by resolution duly adopted. A copy of such resolution shall be forthwith filed with the treasurer of Santa Clara county, who shall cause notice of the call for payment of such assessment or installment thereof to be published in a newspaper of general circulation published in said district for two successive weeks, the first publication to be at least twenty days before the date when unpaid part of said assessment or installment shall be delinquent. Said resolution of the board shall fix a time when said assessment or installment shall be payable and a date when the unpaid parts of the same shall be delinquent. The published notice shall be in form substantially as follows:

If assessment carry and bond issue fail.

Notice of assessment.

Notice is hereby given that an installment of assessment (giving name and number) in the sum of \$_____ is payable within _____ days from date, _____ by all landowners of said district subject to said assessment, to the treasurer of Santa Clara county. All or any part of said installment which shall remain unpaid on the _____, will be delinquent,

with twenty (20%) per cent of such installment and interest added as penalty.

Dated:-----

County Treasurer.

Delinquent assessments.

All parts of said assessment or installment not paid by the delinquent date fixed by the board shall have added a penalty of twenty per cent of the amount due. Delinquent assessments shall be collected in the same manner as hereinafter provided for the collection of delinquent assessments for the payment of bonds.

Use of funds.

SEC. 61. With the money received from the sale of bonds, or with the said bonds as hereinbefore provided, or with the money collected by assessment as hereinabove provided, the board as the managing body of said district shall proceed with the construction and completion or carrying into execution of the works or project for the purpose of which the assessment was levied or bonds issued, in the order that the same may be carried out and completed according to the best judgment of said board and without unnecessary delay. For the purpose of paying the cost and expenses of such works or project, and the expenses of making, bonding and collecting the assessment therefor the board shall from time to time as may be necessary present its written requests to the auditor of Santa Clara county for the issuance of warrants, specifying the amount of the warrant and the name of the payee thereof, and upon receipt of such written request the said auditor shall draw his warrants upon the treasurer of Santa Clara county, payable out of the said construction fund of the assessment upon which such bonds have been issued or money collected, and the said treasurer shall pay the same or make delivery of such bonds as provided herein. Warrants issued by the auditor and payable out of such assessment as provided by this act shall be paid by the treasurer out of and only out of the construction fund of such assessment, and in their proper order of registration as herein provided.

Issuance of warrants.

Annual assessment to pay principal and interest.

SEC. 62. When the bonds of the district have been authorized and issued as herein provided, based upon any assessment levied by the board, the board shall annually thereafter before the first day of July of each year, by an order entered in its minutes, ascertain and determine the total amount necessary to be collected upon such assessment for the payment of principal and interest of all such bonds which will or may become due on the first day of January and the first day of July of the succeeding year, and thereafter and before the first day of September of each year said board shall prepare in duplicate, retaining one original thereof, and causing the other original thereof to be certified by its secretary and delivered to the county treasurer of Santa Clara county, a statement of the installment of such assessment necessary to be collected for such year, to which there shall be added and collected an additional amount of fifteen per cent of the installment so due

to cover possible delinquencies, which said additional sum, together with such installment, shall constitute the amount to be collected for bonds. Such installment for bonds shall, unless otherwise determined by the board by an order entered in its minutes, a copy of which duly certified shall be transmitted to the said county treasurer, be payable in two equal portions, the first of which shall be due and payable to such county treasurer, respectively, on the third Monday in October and shall be delinquent on the first Monday in December next thereafter at six o'clock p. m., and the remaining portion may be paid at any time before the last Monday in April next thereafter at six o'clock p. m., at which time the same shall become delinquent.

SEC. 63. For convenience in entering payments of such installment for bonds, the board shall furnish to the county treasurer an annual collection list in which shall be set forth the reference number of each tract of land assessed and the name of the owner to whom assessed, as stated in the original assessment list, and the total amount assessed upon each tract and the amount to be collected thereon for that year, together with appropriate columns for the entry of payments, sales and redemptions; and the county treasurer shall enter thereon in the proper column all payments, with date of payment, the word "sold" with date of sale, in case of sales for delinquency, and the words "sold to the district" with date of sale, in the case of sales to the district; and shall also enter the word "redeemed" with date of payment, in case such redemption be made. Said county treasurer shall also make a report to the board as often as requested of all entries so made by him on such collection list.

Annual
collection
list.

SEC. 64. When either portion of any such installment for bonds shall become delinquent, a penalty of one dollar together with twenty per cent of the amount of such installment on each tract so delinquent, shall be added thereto and collected for the use of the bond fund of said assessment. All money so collected by the county treasurer upon such installment for bonds or for the penalty thereon in case of delinquency shall be by him credited to the bond fund of such assessment.

Penalty for
delinquency.

SEC. 65. If both portions of said installments are not paid before the last Monday in April at six o'clock p. m., the board shall publish in one notice, a list of all said delinquencies, at least once a week for two weeks in some newspaper of general circulation published in the county, which notice shall contain a description of each parcel of land assessed whereon such installment or installments are delinquent, as such description appears on the assessment list, the name of the owner to whom it is assessed or a statement that it is assessed to unknown owners if such be the fact, the amount of the installment or installments delinquent on such parcel, the amount of the penalty thereon, and a notice that each of said parcels will be sold at public auction by said county treasurer in front of the court house of said county at a specified day and hour, which shall not be less than thirty nor more than ninety days

Sale for
delinquency.

from the date of delinquency, to pay such delinquent installment or installments and penalty. At the time and place stated in said notice the county treasurer shall sell each parcel of land described in said notice to the highest bidder unless prior thereto he shall have received payment in full of said delinquent installment or installments together with such penalty. No bid for any parcel shall be accepted less than the aggregate sum then due for said installment or installments thereon, together with such penalty, except that the treasurer may receive from any purchaser at their face value, in lieu of cash, bonds of said district or their interest coupons, which bonds or coupons shall be then matured or will mature within one year after such sale. Any said bonds or coupons so received in payment shall be by the treasurer forthwith canceled. If the entire amount of any such bond or coupon tendered in payment shall not be required to complete payment of the purchase money, the county treasurer shall endorse thereon as paid the amount of such purchase money credited thereon. There shall be credited to the bond fund of such assessment the amount of purchase moneys so paid in bonds or coupons on such delinquent sales, and of all sums endorsed as paid upon account of purchase money on any such bonds or coupons, specifying the same.

Payment
of purchase
price
in bonds.

SEC. 66. If no bid is made for any parcel at such delinquent sale equal to the amount of installment or installments delinquent thereon including such penalty, the county treasurer shall bid in and sell said parcel to the said district for the amount of said installment or installments and penalty.

Certificate
of sale.

SEC. 67. The county treasurer shall execute to each purchaser at such delinquent sale including said district, a certificate of such sale, which certificate of sale shall be recorded by said purchaser in the county recorder's office of said county.

Disposition
of proceeds.

SEC. 68. Out of the proceeds of said sales the county treasurer shall place the amount due on the property so sold to the credit of the bond fund of said district for the particular bond issue based upon said assessment. The county treasurer shall pay to the owner of said property any surplus remaining after such credit.

Postpone-
ment of sale.

SEC. 69. The county treasurer may if directed by the board postpone the said delinquent sale from time to time for not less than ten nor more than thirty days by a written notice posted at the place of sale.

Redemption
from sale.

SEC. 70. Any person interested in any tract of land sold at such delinquent sale may redeem the same at any time within one year after the date of sale by paying to the county treasurer for such purchaser a sum equal to the purchase price stated in the certificate of sale with interest thereon at the rate of twelve per cent per annum from the date of sale to such redemption, together with the amount remaining due and unpaid of any installment upon any assessment on said land under this act, with the penalty herein prescribed for delinquency, if any. If no redemption shall be made

within one year the board upon demand and the surrender of such certificate of purchase and the delivery of a certificate of the county treasurer that no redemption has been made within such year from date of sale, shall execute to the purchaser, his heirs or assigns, a deed of conveyance of the parcel of land described in such certificate, which deed shall convey to the grantee therein named the said land free and clear of all encumbrances except state, county and municipal taxes, assessments levied or assessed by statutory authority, and the unpaid balance of the said or any assessment made by said district, each installment whereof may be called and collected as by law provided, except that no parcel sold and conveyed to the district shall thereafter, until redeemed or until sold and disposed of by the board, be subject to sale by the treasurer for delinquent installments of any assessment as in this act provided. Every deed by the board purporting to be executed under this act shall be prima facie evidence of the truth of the matters therein recited and of ownership by the grantee of the lands therein described. All deeds herein required to be executed by the board may be executed by the president and secretary thereof on behalf of said board.

Sec. 71. Any parcel of land bid in and purchased by the district at such delinquent sale shall be held in trust for the bond fund of the assessment upon which the same was sold and may be sold and conveyed by said board or their successors in office at any time after the expiration of said redemption period of one year at public or private sale and with or without notice to any person paying not less than the amount for which said parcel was bid in by said county treasurer at such delinquent sale for said district, with interest thereon at the rate of twelve per cent per annum compounded yearly from the date of such delinquent sale, and also the amount of all subsequent installments then delinquent, with accrued interest and penalties thereon. Payment for the land so purchased may be made by the purchaser either in cash or matured bonds and coupons issued upon said assessment taken at their face value, and the board shall execute a deed to such purchaser at such sale conveying said property, free of encumbrances except state, county and other municipal taxes, assessments levied or assessed by statutory authority, and the unpaid balance of the said or any assessment thereon levied by the board on lands in said district. The purchase price so received in cash shall be by the board forthwith paid over to the treasurer of Santa Clara county, and any bonds or coupons so received in payment by the board shall be by said board canceled and delivered to the said treasurer; and all such money so paid over and such canceled bonds or coupons so delivered to the treasurer shall be by him credited to the bond fund of such assessment. If any land so held by the district shall remain unsold after the final installment of the assessment shall have been collected by payment or sale, then the board shall sell all such lands so held by said district at public auction to the highest bidder

Deed to
purchaser.

Sale of land
bid in by
district.

for cash, upon two weeks' published notice substantially in the manner provided for notice upon such delinquent sales, and shall execute to the purchaser a conveyance thereof free of incumbrance except state, county and municipal taxes, and assessments levied or assessed by statutory authority, and shall deposit the proceeds of such sale with the county treasurer to the credit of the bond fund of such assessment.

Surplus
funds may
be invested
in bonds.

SEC. 72. Any surplus remaining in the bond fund of such assessment greater than is necessary to pay all of the amounts due or to become due during the ensuing year may, in the discretion of the board, be devoted to the purchase in the open market and at the fair market price thereof of any bonds other than bonds of said district available for purchase by savings banks in this state, which shall thereupon be delivered to the county treasurer to be held by him for the benefit of said bond fund until the board shall direct it to sell the same, whereupon the treasurer shall sell the same and credit the proceeds to the said bond fund; and said board shall direct such sale to be made whenever necessary for payment of such bonds of the district or interest thereon.

Use of bond
fund.

SEC. 73. The said bond fund of each such assessment shall be held and safely kept by the treasurer and shall be applied by him toward the payment of the bonds and coupons thereon based upon such assessment, as such bonds and coupons fall due; and if any balance shall remain in the bond fund of such assessment after payment in full of the principal and interest of all outstanding bonds issued upon such assessment, such balance shall be held for the benefit of the lands upon which said assessment was made and in proportion to the amounts assessed thereon, and may be distributed to the owners or other persons interested in such lands by the board, or used in the maintenance and operation of the works constructed with the proceeds of said bonds.

Cancellation
of bond
issue.

SEC. 74. If within one year from the time said bonds have been authorized to be issued as in this act provided, the same shall not have been sold or disposed of, the board may at its discretion by an order duly made and entered in its minutes and a copy duly certified sent to the county treasurer, cancel all proceedings taken in connection with such bond issue.

Fees and
expenses.

SEC. 75. No county officer shall charge or receive any fee for any services required to be performed by him under the provisions of this act; but any reasonable and necessary expense actually incurred by any officer in carrying out any of the provisions of this act relating in any manner to the collection or enforcement of any assessment, shall be paid out of the funds of said district applicable thereto.

Supplemen-
tary annual
assessments

SEC. 76. If the amounts raised by means of and upon such assessment as herein provided shall in the end prove insufficient to pay in full all of said bonds and the interest thereon, the board shall levy and cause to be collected in the same manner as herein provided, a supplementary annual assessment or assessments from time to time as may be necessary upon the same lands previously assessed in the original assessment,

which supplemental assessment or assessments shall be levied by resolution of the board entered in its minutes. It shall not be necessary to appoint assessors therefor nor to prepare new or additional assessment lists for any such supplemental assessment or assessments, but the same shall be levied and apportioned according to benefits and in the same proportion as specified in the original assessment lists for such assessments; and for the purpose of collecting the same said board shall prepare and cause to be certified to the county treasurer annual assessment collection lists in the same manner and at the same times as hereinbefore provided for the annual assessment collection lists upon such original assessment, and the same shall be collected by the county treasurer, and the same percentages, penalties and costs added for delinquency and the same proceedings had for sale of property, and for redemption thereof and for disposition of the proceeds of sale, and in all other particulars as hereinbefore provided in the case of such annual assessment collection lists upon the original assessment; and all money collected for or on account of any such supplemental assessment or assessments shall be credited by the treasurer to the said bond redemption fund of said assessment.

SEC. 77. If the board or any member thereof or any officer or appointee or employee thereof or any public officer in this act mentioned or referred to shall fail to perform any duties imposed by this act, at the time and in the manner in this act provided, the attorney general of the state shall have the power and it shall be his duty to compel the performance of such act by mandamus proceedings or by any other appropriate remedy, legal or equitable; and in case the attorney general shall fail, neglect or refuse so to do, it shall be the duty of the governor to compel the performance of such act by mandamus proceedings or other appropriate legal or equitable remedy and to employ special counsel therefor at the expense of said district.

Compelling performance of official duties.

SEC. 78. If a majority of all votes cast at any election held under the provisions of this act to determine the questions set forth in section thirty-six hercof shall be against the assessment, no assessment shall be levied.

No assessment levied, when.

SEC. 79. In case the money raised by the original assessment or by the sale of bonds issued be insufficient, or in case the bonds be unavailable for the completion of the plan of canal and works adopted, and the acquisition of the necessary property, waters and water rights therefor, and additional bonds be not voted, it shall be the duty of the board of directors to provide for the completion of said plan, and the acquisition of such necessary property, waters and water rights, by levy of assessments therefor: *provided, however,* that such levy of assessments shall not be made except first an estimate of the amount required for such purposes has been made by said board, and the question as to the making of said levy submitted to a vote of the landowners affected thereby in the manner hereinabove provided for the original assessment. Before such

Where original assessment or bond is insufficient.

question is submitted the order of submission shall be entered in the minutes of the board, stating the amount to be levied and the purpose therefor. At such election the ballots shall contain the words "Assessment—Yes," or "Assessment—No," or words equivalent thereto. If a majority of the votes cast are "Assessment—Yes," the board of directors shall cause an assessment in the amount named in the order of submission to be levied; if a majority of the votes cast are "Assessment—No," the result of such election shall be so declared and entered of record. The said supplementary assessment shall be collected and the proceeds disposed of in all respects as hereinabove provided for an original assessment upon which no bonds were issued.

Letting contracts for construction work and material.

SEC. 80. Before beginning the construction of any canal or canals, storage reservoirs, or works of any kind, as in this act provided for, the board of directors shall give notice, by publication thereof not less than twenty days in one newspaper published in the district, and in such other newspapers as they may deem advisable, calling for bids for the construction of such work, or of any portion thereof; if less than the whole work is advertised, then the portion so advertised must be particularly described in such notice. Said notice shall set forth that plans and specifications can be seen at the office of the board, and that the board will receive sealed proposals therefor, and that the contract will be let to the lowest responsible bidder, stating the time and place for opening said proposals, which, at the time and place appointed, shall be opened in public; and as convenient thereafter the board shall let said work, either in portions or as a whole, to the lowest responsible bidder; or they may reject any or all bids and readvertise for proposals or may proceed to construct the work under their own superintendence; *provided*, that in case of emergency or urgent necessity for the construction, extension or repair of works for irrigation or drainage, the board of directors, by unanimous vote of those present at any regular or special meeting, may award contracts therefore without advertising for bids, but the cost of such work shall not exceed five hundred dollars and such additional amount as shall be equal to five cents for each acre of land in the district. Contracts for the purchase of material shall be awarded to the lowest responsible bidder. Any person or persons to whom a contract may be awarded shall enter into a bond, with good and sufficient sureties, to be approved by the board, payable to said district for its use, for twenty-five per cent of the amount of the contract price, conditioned for the faithful performance of said contract. The work shall be done under the direction and to the satisfaction of the engineer, and be approved by the board.

Contractor's bond.

State engineer may investigate.

SEC. 81. During the construction of any irrigation works to be paid for out of the proceeds of any bond issue which has been certified by the state irrigation district bond commission as provided in the act creating said commission, the state engineer shall have access to all plans, specifications, and

records of such construction, and shall from time to time make such investigations and such reports to the board of directors of the district as he shall deem to be in the interest of the public or of the district.

SEC. 82. The cost and expense of purchasing and acquiring property and constructing the works and improvements herein provided for, shall be wholly paid out of the construction fund of the particular project as hereinabove provided; *provided, however*, that when any lands, waters, water rights or other property shall be acquired by the district by any lease or contract, under the terms of which the consideration or rental shall be payable in such installments that a like amount shall be payable in each year of the life of such lease or contract, then such rental or consideration shall be paid out of the funds derived from the levying of annual assessments, or from the collection of rates, tolls and charges fixed and collected as hereinafter provided for. For the purpose of defraying the expenses of the care, operation, management, repair and improvement of such portions of such canal and works as are completed and in use, including installments of rental or consideration accruing under any lease or contract as hereinabove in this section mentioned, the board may in lieu (either in part or in whole) of levying assessments as herein provided for, fix rates of toll and charges, for irrigation and other public uses declared by this act, and collect the same from all persons using said canal for irrigation and other purposes.

SEC. 83. The board of directors shall have power to construct the said works across any stream of water, water-course, street, avenue, highway, railway, canal, ditch or flume which the route of said canal or canals may intersect or cross, in such manner as to afford security for life and property; but said board shall restore the same, when so crossed or intersected, to its former state as near as may be, or in a sufficient manner not to have impaired unnecessarily its usefulness; and every company whose railroad shall be intersected or crossed by said works shall unite with said board in forming said intersections and crossings, and grant the privileges aforesaid; and if such railroad company and said board, or the owners and controllers of the said property, thing, or franchise so to be crossed, can not agree upon the amount to be paid therefor, or the points or the matter of said crossings or intersections, the same shall be ascertained and determined in all respects as is herein provided in respect to the taking of land. The right of way is hereby given, dedicated, and set apart, to locate, construct, and maintain said works over and through any of the lands which are now or may be the property of this state; and also there is given, dedicated, and set apart, for the uses and purposes aforesaid, all waters and water rights belonging to this state within the district.

SEC. 84. The directors when sitting as a board or acting under the orders of the board, shall each receive not to exceed ten dollars per day, and actual and necessary expenses paid

What funds
cost and
expense to
be paid from.

Rights of
way across
streams,
highways,
railways, etc.

Fees and
salaries of
officers.

while engaged in official business under the order of the board; the board shall fix the compensation to be paid to all officers named in this act, to be paid out of the general fund of the district; *provided*, that said board shall upon the petition of at least fifty freeholders within such district therefor, submit to the electors at any general election a schedule of salaries and fees to be paid hereunder, which may include the salary or per diem to be paid to the directors. Such petition must be presented to the board not less than twenty days nor more than forty days prior to a district general election, and the result of such election shall be determined and declared in all respects as other elections are determined and declared under this act.

Officers
not to be
interested in
contracts.

SEC. 85. No director or any other officer named in this act shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom; and for any violation of this provision, such officer shall be deemed guilty of a misdemeanor, and such conviction shall work a forfeiture of his office, and he shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Limitations
upon
incurring of
debts.

SEC. 86. The board of directors or other officers of the district shall have no power to incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the express provisions of this act; and any debt or liability incurred in excess of such express provisions shall be and remain absolutely void, except that for the purposes of organization, or for any of the purposes of this act, the board of directors may, before the collection of the first levy of taxes for the general fund, incur indebtedness in such sum or sums as shall amount to not more than twenty thousand dollars, and may cause warrants of the district to be issued therefor, bearing interest at not more than seven per centum per annum, said rate to be fixed by the board of directors, and all such warrants must be made payable not later than the first day of July after the first tax levy shall be collected in the district; *and provided, further*, that nothing contained in this section shall be construed as limiting the right of the board to enter into any contract or lease for any lands, waters, water rights or other property, as in this act provided for, and by such lease or contract to bind the district for the payment of the rental or consideration specified in such lease or contract.

Warrants
not paid for
want of
funds.

SEC. 87. Whenever any warrant of the district payable on demand is presented to the treasurer for payment when funds are not available for the payment thereof, it shall thereafter draw interest at a rate to be determined by resolution of the board of directors, not, however, to exceed seven per centum per annum, until public notice is given that such funds are available. Upon the presentation of any such warrants for payment, other than warrants issued under the provisions of section eighty-six hereof, when funds of the district are not

available to pay the same, the treasurer of Santa Clara county shall endorse thereon the words "funds not available for payment," with the date of presentation and shall specify the interest that such warrants shall thereafter bear and shall sign his name thereto. He shall keep a record showing the number and amount of each such warrant, the date of its issuance, the person in whose favor it was issued, and the date of its presentation for payment. Whenever there is sufficient money in the treasury to pay all such outstanding warrants or whenever the board of directors shall order that all such warrants presented for payment prior to a certain date, be made and there is sufficient money available for such payments, the county treasurer shall give notice in some newspaper published in the district, stating that he is prepared to pay all warrants of the district for the payment of which funds were not available upon their original presentation, or all such warrants which were presented for payment prior to the date fixed by the board of directors, as the case may be, and no further description of the warrants entitled to payment shall be made in such notice. Upon the presentation of any warrant entitled to payment under the terms of such notice, the treasurer shall pay it, together with interest thereon at the rate specified by the board of directors, from the date of its original presentation for payment to the date of the first publication or posting of said notice, and all warrants for the payment of which funds are declared in said notice to be available shall cease to draw interest at the time of the first publication or posting of said notice. The treasurer shall enter in the record hereinbefore required to be kept, the dates of the payment of all such warrants, the names of the persons to whom payments are made and the amount paid to each person.

SEC. 88. The board of directors of said district may acquire, by purchase or condemnation the irrigation system, canals and works through which lands in said district have been or may be supplied with water for irrigation, and may exchange bonds of said irrigation district for such system or canals or works or for any portion thereof, or for any interest therein or for the capital stock of any corporation owning such system or any portion thereof, upon such terms and conditions as the said board of directors may deem best.

Acquirement
of other
irrigation
system.

SEC. 89. Nothing herein contained shall be deemed to authorize any person or persons to divert the waters of any river, creek, stream, canal, or ditch from its channel, to the detriment of any person or persons having any interest in such river, creek, stream, canal, or ditch, or the waters therein, unless previous compensation be ascertained and paid therefor, under the laws of this state authorizing the taking of private property for public uses.

Diversion of
water from
streams, etc.

SEC. 90. The rights of way, ditches, flumes, pipe lines, dams, water rights, reservoirs, and other property of like character, belonging to said district shall not be taxed for state and county or municipal purposes.

No tax
on rights of
way.

Limitation
of actions.

SEC. 91. No contest of any thing or matter herein provided shall be made other than within the time and manner herein specified, and in any such action all findings of facts or conclusions of said board of directors upon all matters shall be conclusive, unless such action was instituted within six months after such finding or conclusion was made.

Liability
for official
misconduct.

SEC. 92. For any wilful violation of any express duty herein provided for, on the part of any officer herein named, he shall be liable upon his official bond, and be subject to removal from office, by proceedings brought in the superior court of Santa Clara county by any assessment payer of the district.

Use of
water for
mechanical
purposes.

SEC. 93. Whenever said district, in the development of its works as law provided, may have opportunity, without increased expenditure, to utilize the water by it owned or controlled, for mechanical purposes not inconsistent with the provisions of said act, the board of directors may lease the same, as in this act hereinafter provided.

Notice
of intention
to lease
water.

SEC. 94. Whenever the board of directors may desire to lease the use of water, as hereinbefore stated, they shall pass a resolution of intention to so lease the same. Immediately thereafter the secretary shall cause notice of such intention to be given by publication in one newspaper published in the district for at least twenty days, and if the board thinks proper in such other newspapers as may be deemed advisable, calling for bids for the leasing of said water for the purposes hereinbefore mentioned. Said notice shall state that the board will receive sealed proposals therefor, that the lease will be let to the highest responsible bidder, stating the time and place of opening said proposals.

Action on
bids.

SEC. 95. At the time and place appointed the board shall proceed to open the proposals in public. As soon thereafter as may be convenient the board shall let said lease in portions or as a whole, to the highest responsible bidder, or they may reject any or all bids, and readvertise for proposals for the same.

Annual
rental.

SEC. 96. The rental accruing upon said lease may vary from year to year as shall be specified in said lease, and shall be payable semiannually, on the thirtieth day of December and thirtieth day of June of each year. All moneys collected, as in this act provided, shall be paid into the county treasury, and be apportioned to such funds of the district as may be deemed advisable by the board of directors.

Term
of lease.

SEC. 97. The board shall have power, as in this act provided, to execute a lease for any period not exceeding twenty-five years. If at any time the rental shall not be paid on the days hereinbefore mentioned, the amount of such rental then due shall be doubled, and if not paid within ninety days thereafter, the said lease shall be forfeited to said district, together with any and all works constructed, owned, used, or controlled by said lessee.

Nonpayment
of rent.

Lessee
to furnish
security.

SEC. 98. Upon the letting of any lease, as in this act provided, the board may require the lessee to execute a bond

for the faithful performance of the covenants of said lease, or give such other evidence of good faith as in their judgment may be necessary.

SEC. 99. Said district may provide for the construction, operation, leasing and control of plants for the generation, distribution, sale, and lease of electrical energy, including sale to municipalities, corporations, public utility districts, or individuals, of electrical power so generated; and said district, subject however to the conditions in this section contained, may make special appropriations of water for power purposes, as required by law; *provided, however*, that any use of water for generating such electrical power or energy at any given time of the year, which use is in excess of the water appropriated and beneficially used for irrigation purposes by such district at said period of the year, shall be subject to all prior existing appropriations by any municipal corporation, who or which is proceeding in good faith in the expenditure of money and the construction of works designed to divert the water appropriated; and the officers, agents, and employes of such districts shall have the same powers, duties and liabilities respecting such power and the construction, repair, maintenance, management, and control thereof as they now have or may hereafter have respecting such irrigation or such irrigation districts. This act shall be so construed, applied and enforced as to apply to such power as well as such irrigation.

Generation,
distribution,
and sale
of power.

SEC. 100. The board of directors of said district and its officers, agents, and employes, shall do all necessary and proper acts for the construction, repair, maintenance, and management of such electrical power works for such purposes.

Duty
of directors.

SEC. 101. In case funds are not otherwise available the district may issue bonds for such purpose and all of the provisions of this act, relating to the issuance of bonds for other purposes in so far as the same are applicable to said bonds shall apply.

Bond issue.

SEC. 102. The boundaries of said district may be changed in the manner herein prescribed: but such change of the boundaries of the district shall not impair or affect its organization, or its rights in or to property, or any of its rights or privileges of whatsoever kind or nature; nor shall it affect, impair, or discharge any contract, obligation, lien, or charge for or upon which it was or might become liable or chargeable, had such change of its boundaries not been made.

Change of
boundaries.

SEC. 103. The holder or holders, of title, or evidence of title, representing one-half or more of any body of lands adjacent to the boundary of said district, which are contiguous, and which taken together, constitute one tract of land, may file with the board of directors of said district a petition, in writing, praying that the boundaries of said district may be so changed as to include therein said lands. The petition shall describe the boundaries of said parcel or tract of land, and shall also describe the boundaries of the several parcels owned by the petitioners, if the petitioners be the owners, respectively, of distinct parcels, but such descriptions need not be more particular than they are required to be when such lands

Petition for
annexation
of territory.

are entered by the county assessor in the assessment book. Such petition must contain the assent of the petitioners to the inclusion within said district of the parcels or tracts of land described in the petition, and of which said petition alleges they are respectively, the owners; and it must be acknowledged in the same manner that conveyances of land are required to be acknowledged.

Notice
of filing of
petition.

SEC. 104. The secretary of the board of directors shall cause a notice of the filing of such petition to be given and published in the same manner and for the same time that notices of elections for the issue of bonds are required by this act to be published. The notice shall state the filing of such petition and the names of the petitioners, a description of the lands mentioned in said petition, and the prayer of said petition; and it shall notify all persons interested in, or that may be affected by such change of the boundaries of the district, to appear at the office of said board, at a time named in said notice, and show cause in writing, if any they have, why the change in the boundaries of said district, as proposed in said petition, should not be made. The time to be specified in the notice at which they shall be required to show cause shall be the regular meeting of the board next after the expiration of the time for the publication of the notice. The petitioners shall advance to the secretary sufficient money to pay the estimated costs of all proceedings under this act.

Hearing of
petition.

SEC. 105. The board of directors, at the time and place mentioned in the said notice, or at such other time or times to which the hearing of said petition may be adjourned, shall proceed to hear the petition, and all the objections thereto, presented in writing by any person showing cause as aforesaid why said proposed change of the boundaries of the district should not be made. The failure by any person interested in said district, or in the matter of the proposed change of its boundaries, to show cause, in writing, as aforesaid, shall be deemed and taken as an assent on his part to a change of the boundaries of the district as prayed for in said petition, or to such a change thereof, as will include a part of said lands. And the filing of such petition with said board, as aforesaid, shall be deemed and taken as an assent on the part of each and all of such petitioners to such a change of said boundaries that they may include the whole or any portion of the lands described in said petition.

Condition
precedent.

SEC. 106. The board of directors may require, as a condition precedent to the granting of the same, that the petitioners shall severally pay to such district such respective sums, as nearly as the same can be estimated (the several amounts to be determined by the board), as said petitioners or their grantors would have been required to pay to such district as assessments, had such lands been included in such district at the time the same was originally formed.

Order
granting
petition.

SEC. 107. If the board of directors deem it for the best interest of the district that the boundaries of said district be

changed and if no person interested in said district or the proposed change of its boundaries shows cause, in writing, why the proposed change should not be made, or, having shown cause, withdraws the same, the board may order that the boundaries of the district be so changed as to include therein the lands mentioned in said petition or some part thereof. The order shall describe the boundaries as changed and shall also describe the entire boundaries of the district as they will be after the change thereof as aforesaid is made; and for that purpose the board may cause a survey to be made of such portions of such boundary as is deemed necessary; *provided, however,* that any public land of the United States of America adjoining the boundaries of any irrigation district may be included within the boundaries of any such irrigation district by order or resolution of the board of directors of such district without any petition being filed asking for such inclusion; *and provided, further,* that when additional land is included within said district and the board of directors of such district finds either that such inclusion without condition would work an injury to the land already in the district either by an impairment of water right or by requiring a greater expense for furnishing water to the lands proposed to be included, the board may prescribe conditions upon such inclusion of land, either by providing for priority of right to water or for the payment of an additional annual charge of such other conditions as may to the board seem just. If such inclusion is upon petition of property owners all such property owners must sign and acknowledge an agreement with the district, specifying such conditions and describing the land so to be included. Such agreement must be recorded in the office of the county recorder of Santa Clara county, together with a certified copy of the order including such lands, and thereupon such lands shall become a part of said district subject to such conditions.

Conditions
subsequent.

SEC. 108. If any person interested in said district or the proposed change of its boundaries shall show cause as aforesaid why such boundaries should not be changed and shall not withdraw the same or if the board of directors deem it not for the best interests of the district that the boundaries thereof be changed so as to include therein the lands mentioned in the petition or some part thereof, the board shall adopt a resolution to that effect. The resolution shall describe the exterior boundaries of the land which will be included within the boundaries of the district when changed, but before calling the election provided for in the next section, the board may require an undertaking, with sufficient sureties, from the petitioners that they will pay all of the cost of holding such election for the inclusion of such lands in case such inclusion should be denied.

Board may
submit
proposition
to electors.

SEC. 109. Upon the adoption of the resolution mentioned in the last preceding section, the board shall order that an election be held within said district, to determine whether the

Order
for election.

boundaries of the district shall be changed as mentioned in said resolution; and shall fix the time at which such election shall be held, and cause notice thereof to be given and published. Such notice shall be given and published, and such election shall be held and conducted, the returns thereof shall be made and canvassed, and the result of the election ascertained and declared, and all things pertaining thereto conducted in the manner prescribed by said act in case of a special election to determine whether bonds of the district shall be issued. The ballots cast at said election shall contain the words "for change of boundary," or "against change of boundary," or words equivalent thereto. The notice of election shall describe the proposed change of the boundaries in such manner and terms that it can readily be traced.

Notice.

Ballots.

Action of board following election.

SEC. 110. If at such election a majority of all the votes cast at said election shall be against such change of the boundaries of the district, the board shall order that said petition be denied, and shall proceed no further in that matter. But if a majority of such votes be in favor of such change of the boundaries of the district, the board shall thereupon order that the boundaries be changed in accordance with said resolution adopted by the board. The said order shall describe the entire boundaries of said district, and for that purpose the board may cause a survey of such portions thereof to be made as the board may deem necessary.

Record of order changing boundaries.

SEC. 111. Upon a change of the boundaries of the district being made, a copy of the order of the board of directors ordering such change, certified by the president and secretary of the board, shall be filed for record in the recorder's office of Santa Clara county, and thereupon the district shall be and remain an irrigation district, as fully, and to every intent and purpose, as if the lands which are included in the district by the change of the boundaries, as aforesaid, had been included therein at the original organization of the district.

Records in minutes of board.

SEC. 112. Upon the filing of the copies of the order, as in the last preceding section mentioned, the secretary shall record in the minutes of the board the petition aforesaid; and the said minutes, or a certified copy thereof, shall be admissible in evidence, with the same effect as the petition.

Rights of guardians, etc.

SEC. 113. A guardian, an executor, or an administrator of an estate, who is appointed as such under the laws of this state, and who, as such guardian, executor, or administrator, is entitled to the possession of the lands belonging to the estate which he represents, may, on behalf of his ward, or the estate which he represents, upon being thereunto authorized by the proper court, sign and acknowledge the petition in this act mentioned, and may show cause, as in this act mentioned, why the boundaries of the district should not be changed.

Redivision of district.

SEC. 114. In case of the inclusion of any land within the district by proceedings under this act, the board of directors

must, at least thirty days prior to the next succeeding general election, make an order redividing such district into six divisions, which shall be numbered first, second, third, and so on, and a director, or directors, shall thereafter be elected by each division as hereinabove provided. For the purposes of elections, the board of directors must establish a convenient number of election precincts in said districts, and define the boundaries thereof, which said precincts may be changed from time to time by the board of directors in the manner hereinbefore provided.

SEC. 115. All laws of the State of California providing for the dissolution of irrigation districts shall apply to said Santa Clara county irrigation district as to other irrigation districts. Other laws applicable.

CONCURRENT AND JOINT RESOLUTIONS

AND

CONSTITUTIONAL AMENDMENTS

CONCURRENT AND JOINT RESOLUTIONS

AND

CONSTITUTIONAL AMENDMENTS

CHAPTER 1.

Senate Concurrent Resolution No. 1—Relative to inaugural ceremonies.

[Filed with Secretary of State January 16, 1923.]

Resolved by the senate, the assembly concurring, That a committee of three members of the senate be appointed to confer with a committee of four from the assembly, to make arrangements for the inaugural ceremonies, said committee to be appointed by the president of the senate and the speaker of the assembly, respectively, and to have full power to act in the premises. Any expenses to be paid equally by the senate and assembly out of their several contingent funds, and not to exceed in the aggregate the sum of five hundred dollars.

Arrangements for inaugural ceremonies.

CHAPTER 2.

Senate Concurrent Resolution No. 2—Approving twelve certain amendments to the charter of the city and county of San Francisco, State of California, voted for and ratified by the electors of said city and county of San Francisco, at a general election held therein on the seventh day of November, 1922.

[Filed with Secretary of State January 19, 1923.]

WHEREAS, The city and county of San Francisco, State of California, contains a population of over five hundred thousand inhabitants, and has been ever since the eighth day of January, in the year one thousand nine hundred, and is now organized and acting under a freeholders' charter adopted under and by virtue of section eight of article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city and county at an election held for that purpose on the twenty-sixth day of May, one thousand eight hundred and ninety-eight, and approved by the legislature of the State of California on the twenty-sixth day of January, one thousand eight hundred and ninety-nine (Statutes of 1899, page 241); and

San Francisco city and county charter amendments.

WHEREAS, The legislative authority of said city and county, namely, the board of supervisors thereof, duly proposed to the qualified electors of the city and county of San Francisco, twenty-two certain amendments to the charter of said city

San Francisco city and county charter amendments.

and county of San Francisco by the submission of twenty-two proposals, numbered from thirty-two to fifty-three inclusive, entitled as follows, to wit:

AMENDMENT No. 32.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Article XIII of said Charter, relating to Civil Service, and repealing Sections 7, 10, 12 and 16 of said Article XIII and any or all other provisions of the said Charter in conflict with the said proposed amendment.

AMENDMENT No. 33.

Describing and setting forth a proposal to the qualified electors of the City and County to amend the Charter of said City and County by adding a new subdivision to Section 11 of Article XIII to be designated subdivision C, relating to positions in the Coroner's office.

AMENDMENT No. 34.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend Section 11 of Article XIII of the Charter of said City and County by adding thereto a new subdivision to be known as subdivision D, relating to the office of Sheriff.

AMENDMENT No. 35.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said City and County by adding a new section to Article XVI thereof to be numbered Section 1a, relating to meetings of boards and commissions.

AMENDMENT No. 36.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said City and County by amending Section 6 of Chapter V of Article VIII thereof, relating to number of detectives of the Police Department.

AMENDMENT No. 37.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said City and County by adding a new section to Chapter X of Article VIII thereof to be numbered Section 14, and by adding a new section to Chapter VII of Article IX thereof to be numbered section 11, relating to final determination of matters concerning pensions of policemen and firemen.

AMENDMENT No. 38.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said City and County by amending Section 4 of Chapter I of Article XI and repealing Section 5 thereof, relating to the registration of voters and the compensation to be paid therefor.

San Francisco city and county charter amendments.

AMENDMENT No. 39.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said City and County by amending Section 14 of Chapter II of Article XI thereof, relating to the use of ballot machines.

AMENDMENT No. 40.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said City and County by adding a new section to Article XII thereof to be numbered Section 21, relating to foreign trade zones.

AMENDMENT No. 41.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said City and County by adding a new section to Chapter II of Article II thereof, to be numbered Section 13, relating to the expenditure of money for the construction of highways outside of the corporate limits.

AMENDMENT No. 42.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said City and County by adding a new section to Chapter III of Article II thereof to be numbered Section 8, relating to official advertising.

AMENDMENT No. 43.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said City and County by adding a new section to Article XII thereof to be numbered Section 19, relating to the elimination of the bonded debt.

AMENDMENT No. 44.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said City and County by amending Section 6 of Article XIV thereof, to permit the Board of Park Commissioners of the City and County of San Francisco to lease park property for concession purposes.

San Fran-
cisco city
and county
charter
amend-
ments.

AMENDMENT No. 45.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said City and County by adding a new section to Article XIV thereof to be numbered Section 15, relating to the lease of sub-surface areas of public parks.

AMENDMENT No. 46.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said City and County by amending Section 1 of Chapter VIII of Article V thereof, relating to the salaries of Police Judges.

AMENDMENT No. 47.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said City and County by adding a new section to Chapter I of Article III of the Charter, relating to the repayment of taxes illegally collected.

AMENDMENT No. 48.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said City and County by amending Sections 9 and 11 of Chapter II of Article II, and adding a new section to said chapter to be numbered section 12, relating to the sale of land.

AMENDMENT No. 49.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said City and County by adding a new section to Article XII thereof to be numbered Section 20, relating to the creation of a Public Service Commission.

AMENDMENT No. 50.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said City and County by adding a new section to Article XVI thereof to be numbered Section 44, relating to the salaries of certain officers.

AMENDMENT No. 51.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said City and County by adding a new chapter to Article II thereof to be designated Chapter IV, relating to a Department of Supplies.

AMENDMENT No. 52.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the said Charter of said City and County by adding a new section thereto to be known as Section 6, Article 1, relating to the establishment and maintenance by the City and County of San Francisco of a tubercular hospital or hospitals outside of the territorial limits of the City and County of San Francisco.

San Francisco city and county charter amendments.

AMENDMENT No. 53.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding a new section to Article XII, to be designated as Section 18, relating to the acquisition of existing street railways.

WHEREAS, Said twenty-two proposals aforementioned containing said proposed amendments to said charter were in accordance with the provisions of section eight of article eleven of the constitution of the State of California, published for one day after their order of submission in the "San Francisco Chronicle", a daily newspaper of general circulation in the city and county of San Francisco and the official newspaper of said city and county; that said proposals were printed in convenient pamphlet form and until the date fixed for the election hereinafter described an advertisement was published in a paper of general circulation in the city and county of San Francisco, the "San Francisco Chronicle", that such copies could be had on application therefor to the office of the Board of Supervisors; and

WHEREAS, The said legislative authority of said city and county, ordered placed upon the ballot at a general election to be held in the city and county of San Francisco on the seventh day of November, one thousand nine hundred and twenty-two, the said twenty-two several proposals to amend the charter of the city and county of San Francisco; and

WHEREAS, Said General Election was held in said city and county of San Francisco on the seventh day of November, one thousand nine hundred and twenty-two, which day was more than forty days and less than sixty days after said proposed charter amendments had been published for one day in the "San Francisco Chronicle", newspaper, said general election having been held within six months next preceding a regular session of the legislature; and

WHEREAS, On the thirtieth day of November, one thousand nine hundred and twenty-two, and thereafter at meetings duly convened in accordance with law, the board of election commissioners of said city and county duly and regularly canvassed the returns of said general election, and duly declared the results thereof, said board being by law authorized to conduct, manage and control the holding of said elections

and all matters pertaining to such elections in said city and county; and

WHEREAS, Thereafter, to-wit on the thirteenth day of December, one thousand nine hundred and twenty-two, the said board of election commissioners duly filed in the clerk's office of the Board of Supervisors "Official statement of votes cast at the general election held in the city and county of San Francisco, State of California, on Tuesday, the seventh day of November, A. D. 1920, for charter amendments"; and

WHEREAS, At said general election so held on the seventh day of November, one thousand nine hundred and twenty-two, twelve of said proposed amendments were ratified by a majority of the electors of said city and county voting thereon, to-wit: Charter Amendments numbered thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-four, forty-eight, fifty-one, fifty-two, fifty-three, and that all the other amendments received less than a majority of the votes of the electors voting thereon and were not ratified; and

WHEREAS, The said twelve charter amendments so ratified by the electors of the city and county of San Francisco, are now submitted to the legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of section eight of article eleven of the constitution of the State of California, and are in words and figures, as follows, to-wit:

AMENDMENT NO. 35.

That a new section be added to Article XVI to be numbered Section 1a and to read as follows:

Meetings to
be public.

Section 1a. All meetings, regular or special, of every board or commission acting pursuant to this Charter, any ordinance, or any law of the State, for the transaction of any business of such board or commission, shall be open to the public, excepting special meetings held by the Civil Service Commission for the purpose of approving payrolls and considering and adopting examination questions, and in the event of there being no date fixed by law, or ordinance, for the holding of any such meeting, public notice thereof shall be made.

AMENDMENT NO. 36.

That Section 6 of Chapter V of Article VIII be amended to read as follows:

Detectives.

Captain
of detectives.

Section 6. The Chief of Police may detail for detective duties such members of the police force as he may select, not to exceed one for each eighteen members of the police force. He shall designate a Captain of Police to act as captain over the officers so detailed, who shall receive an annual salary of \$4000. Such captain shall rank as Captain of Detectives and his duties shall be defined by the Commissioners and by the Chief of Police. Such captain shall be in addition to the number of captains specified in Section 2 of this chapter.

The members so detailed shall be known in rank as Detective Sergeants. Each of said detective sergeants shall receive an annual salary of \$2400. They may be removed at any time from such detail by the Chief of Police. Their duties shall be defined by the rules and regulations of the Commissioners, by the orders of the Chief of Police and by orders of the Captain of Detectives.

AMENDMENT No. 37.

That a new section be added to Chapter X of Article VIII to be numbered Section 14 and to read as follows:

Section 14. The judgment of said Board of Police Commissioners in passing upon or determining the question when the disability upon which a pension has been granted has ceased shall be final, unless in passing upon or determining said question said Board commit a clear abuse of discretion. Judgment
of board
final.

That a new section be added to Chapter VII of Article IX to be numbered Section 11 and to read as follows:

Section 11. The judgment of the Board of Fire Pension Fund Commissioners in passing upon or determining the question when the disability upon which a pension has been granted has ceased shall be final, unless in passing upon or determining said question said Board of Commissioners commit a clear abuse of discretion. Judgment
of board
final.

AMENDMENT No. 38.

That Section 4, Chapter I, Article XI, be amended to read as follows:

Section 4. All provisions of the general laws of this State, including penal laws, respecting elections not inconsistent with the provisions of Chapter II hereof, shall be applicable to all elections held in the City and County of San Francisco. All provisions of the general laws of this State, respecting the registration of voters, shall be applicable to such registration in this City and County. The Board of Election Commissioners may provide for the registration of qualified electors at places outside of its office in the City Hall and at the residences and places of business of electors, and it may fix the compensations of the deputies employed for the purpose, at a rate of not more than ten (10) cents for each valid affidavit of registration completed and returned to the Registrar of Voters by each of said deputies, respectively. The Board may appoint such other deputies, clerical assistants and employees as may be necessary, and shall by resolution adopted by a majority vote of all its members and entered upon its minutes, designate the salary to be received and the service to be rendered by each, and the time for which they shall be employed. The time of employment of such deputies, assistants and employees shall not be extended and when a salary shall have been fixed, it shall not be changed except by like resolution of the Board. General
election
laws.

Registration
of voters.

Deputies,
etc.,
salaries, etc.

This section is subject to the provisions of Article XIII of the Charter. The provisions of this section shall have full force and effect, all other sections of this Charter notwithstanding. Section 5 of Chapter I of Article XI is hereby repealed.

AMENDMENT NO. 39.

That Section 14 of Chapter II of Article XI be amended to read as follows:

Voting
machines.

Section 14. In the event of the use of voting machines the arrangement of the ballot, the counting of the vote, the canvass of returns and the determination of the result shall be governed by the general laws of the State.

AMENDMENT NO. 40.

That a new section be added to Article XII to be numbered Section 21 and to read as follows:

Foreign
trade zones.

Bonds.

Section 21. Foreign trade zones, as have been or may hereafter be authorized by acts of Congress to be located in the City and County of San Francisco, are hereby declared to be public utilities within the meaning of this article. A bonded indebtedness for the construction, completion or acquisition of foreign trade zones and the acquisition of necessary lands, buildings and equipment authorized by the electors in accordance with the provisions of this article shall be exclusive of the bonded indebtedness of the City and County of San Francisco limited by Section 9 of this article whenever the Board of Supervisors in the ordinance provided for in Sections 1 and 5 of this article shall declare that the rates shall be so fixed that the income from the operation of the foreign trade zones shall be sufficient to create surplus earnings out of which interest on the bonds issued for the acquisition, construction or completion of such foreign trade zones may be paid and the necessary sinking fund for their redemption provided for.

AMENDMENT NO. 41.

That a new section be added to Chapter II of Article II to be numbered Section 13 and to read as follows:

Expenditures
for highways
in other
counties.

Section 13. Nothing in this Charter contained shall be construed to prohibit the expenditure of money by the City and County for the construction of public highways outside of its corporate limits, and the Board of Supervisors may authorize such expenditure and may direct payment to be made to any constituted body authorized by law to construct such public highways; provided, however, that consent to the construction of such highway shall be given by the legislative body of the county wherein the same is located. The Board of Supervisors may enter into an agreement with another county or counties for the construction of a public highway and such agreement may provide for the method by which such agreement shall be executed.

AMENDMENT No. 44.

That Section 6 of Article XIV thereof be amended to read as follows:

Section 6. The Commissioners shall have the complete and exclusive control, management and direction of the aforesaid parks, squares, avenues and grounds, and the exclusive right to erect and to superintend the erection of buildings and structures thereon; and to that end may employ and appoint superintendents, laborers, surveyors, engineers and other officers and assistants, and prescribe and fix their duties, authority and compensation. They shall have the exclusive management and disbursements of all funds legally appropriated or received from any source for the support of said parks, squares, avenues and grounds.

Commissioners to have full control of parks and squares.

The Board may accept from donors suitable articles for the Museum and Art Gallery situate in the aforesaid Golden Gate Park, and shall manage and control said Museum and Art Gallery.

Except as provided in Section 9 of this article, nothing in this section shall be so construed as to authorize the Commissioners to lease any part of any of said parks, squares, avenues and grounds to any person, company or corporation for any purpose; or to permit any person, company or corporation to build or maintain any structure on any part of said parks, squares, avenues or grounds; but this shall not inhibit the Board from leasing, for a period not greater than five years, such property as may be under the jurisdiction of said Board for the use of the public to such persons, company or corporation who shall undertake to serve such use; and in every such lease the Board shall reserve the right to enter at all times into and upon the premises so leased, and shall make the condition that the building so leased shall be used for park pleasure purposes only. No such building shall be constructed by the Board except it be within the objects and purposes for which said parks, squares, avenues and grounds were dedicated to the public. Nothing in this section contained shall inhibit the Board from leasing any stadium or recreation field under its jurisdiction to any person, association or corporation, for the purpose of holding thereon an athletic contest or contests, and in such lease the Board may permit such person, association or corporation to charge an admission fee to persons desirous of witnessing such contest or contests.

Nothing, however, in this section contained shall inhibit the Board from permitting the use of a limited portion of any one of the aforesaid parks or squares for the purpose of conducting thereon a fair or exposition, under such conditions and restrictions as may be necessary to conserve the integrity of said parks and squares, and for a period not greater than six months, and so as not to interfere with the use of any of the same by the public for park-pleasure purposes; but no such permission shall ever be granted except such fair or exposition be of National, State or Municipal importance. None of the

moneys in, or appropriated to, the Park Fund shall be used for the purpose of any such fair or exposition.

AMENDMENT No. 48.

That Sections 9 and 11 of Chapter II of Article II be amended so as to read as follows:

Sale of certain lands and procedure therefor.

Section 9. The City and County of San Francisco shall have power to sell all lands owned by the City and County, excepting lands for parks, squares and children's playgrounds, and subject to the restrictions contained in Sections 11 and 12 of this chapter, and the Board of Supervisors of said City and County may by ordinance determine that the public interest or necessity demands the sale of such lands so owned or held by the City and County.

Such ordinance must describe the lands to be sold, and the terms of sale which must be for cash in United States gold coin. The land may be sold in one parcel or in subdivisions, as the Supervisors may in such ordinance determine, and sales shall be made by the Mayor as hereinafter provided.

Every such sale must be at public auction, unless the Supervisors shall, in and by such ordinance, determine that all or a portion of such lands shall be sold at private sale.

When a sale at public auction is to be had, the Clerk of the Board of Supervisors must give notice thereof by publishing the same in the official newspaper, and one other daily newspaper published in the City and County, at least three weeks successively next before the sale, which said notice shall describe the lands to be sold with common certainty.

Such sales at public auction must be made in the City and County and must be between the hours of 9 o'clock in the morning and 5 o'clock in the afternoon, and must be made on the day named in the notice of sale, unless the same is postponed.

When it shall have been determined by the Supervisors, as hereinbefore provided, that the sale of such lands shall be at private sale a notice shall be published in the official newspaper, and one other daily newspaper published in the City and County, for two weeks successively next before the day on or after which the sale is to be made, and the land and tenements to be sold must be described therein with common certainty. The notice must state a day on or after which the sale will be made, and must state that all bids or offers will be received by the Mayor of the City and County at this office. The day last referred to must be at least fifteen days from the first publication of notice; and the sale must not be made before that day, but must be made within six months thereafter. The bids or offers must be in writing, and must be filed with the Mayor at his office.

No sale of real estate at private sale shall be confirmed by the Supervisors as hereinafter provided unless the sum offered shall be at least 90 per cent of the appraised value thereof, to be fixed and determined as next hereafter provided.

An appraisal of such lands shall be made and filed with the Supervisors, within three weeks after the final passage of the ordinance hereinbefore mentioned, by the Mayor, the Assessor, and the chairman of the Finance Committee of the Supervisors, who are hereby constituted a board of appraisal for such purpose.

When a sale shall have been made by the Mayor, at public auction or at private sale, as hereinbefore provided, he shall require from the person to whom the property is sold a deposit amounting to 10 per cent of the sum bid. He shall immediately thereafter at the next meeting of the Supervisors, report the fact of such sale to the Supervisors with a statement of the sum bid and the name of the bidder, with a request that the Board confirm such sale.

The Clerk of the Supervisors shall immediately thereupon give notice by publication in the official newspaper, and one other daily newspaper published in the City and County, that at a meeting of the Supervisors, to be not less than twenty nor more than thirty days from the first publication of such notice, that such sale has been made, the amount for which the property has been sold and the name of the purchaser. Such notice shall also contain a statement that at such meeting, if an offer of 10 per cent more in amount than that named in said notice shall be made to the Supervisors, in writing, by a responsible person, the Supervisors will confirm such sale to such person, or order a new sale as hereinafter provided.

At such meeting, if it appears to the Supervisors that the sum bid is not disproportionate to the value of the property sold, and that a greater sum cannot be obtained, or if an increased bid, as hereinbefore mentioned, be made and accepted, the Board of Supervisors may, by an ordinance, passed by an affirmative vote, of at least fifteen of its members, confirm such sale, and direct conveyances to be executed by the Mayor. A certified copy of such ordinance shall be recorded in the County Recorder's office in the county in which the property is situated.

The Board of Supervisors may, in its discretion, confirm or refuse to confirm any sale.

In the event of the refusal of the Board of Supervisors to confirm the sale all proceedings taken as hereinbefore provided for the sale of the lands shall be void and of no effect.

If the sale is confirmed by the Board of Supervisors, conveyances must thereupon be made by the Mayor to the person to whom the sale shall have been so confirmed and shall be delivered to him upon payment of the balance of the purchase price. Such conveyances shall be in the name of the City and County, and shall be effective to convey all the right, title and interest of the City and County in and to the lands therein described to the grantee therein named.

Section 11. Whenever the Board of Education shall by resolution determine that any of the lots of land reserved or dedicated for school purposes are inadequate or unsuitable

Sale of school lots.

for school purposes or for use as sites for school buildings and that the public interest or necessity demands the sale thereof, said Board may recommend to the Mayor that such sale be made. If the Mayor shall concur in said recommendation he shall report the same to the Board of Supervisors and said Board shall make such sale in the manner provided in Section 9 of this Chapter. The proceeds arising from such sale shall be used exclusively for the purpose of purchasing lands for school purposes or sites for school buildings or for additions to existing sites for school purposes.

That a new section be added to Chapter II of Article II to be numbered Section 12 and to read as follows:

Sale of fire department lots.

Section 12. Whenever the Board of Fire Commissioners shall, by resolution, determine that any of the lots of land reserved for Fire Department purposes are inadequate or unsuitable or no longer necessary for Fire Department purposes or for use as sites for fire houses and that the public interest or necessity demands the sale thereof, said Board may recommend to the Mayor that such sale be made. If the Mayor shall concur in said recommendation, he shall report the same to the Board of Supervisors, and said Board shall make such sale in the manner provided in Section 9 of this Chapter. The proceeds arising from such sale shall be used exclusively for the purpose of erecting fire houses or purchasing lands for Fire Department purposes or sites for fire houses or for additions to existing sites for Fire Department purposes or to fire houses.

AMENDMENT No. 51.

That a new chapter is hereby added to Article II to be designated Chapter IV and to read as follows:

Bureau of supplies.

Appointment of chief and employees.

Section 1. A Bureau of Supplies is hereby created. The chief of the Bureau shall be a Purchaser of Supplies to be appointed and salary fixed by ordinance of the Board of Supervisors. He shall give an official bond in such sum as may be fixed by said Board.

The Purchaser of Supplies may appoint, subject to the provisions of Article XIII of the Charter, such deputies and assistants as may be necessary when authorized by the Board of Supervisors, and their compensation shall be fixed by said Board; but present employes of the City and County exclusively performing duties as purchasers of supplies or as inspectors, custodians, commissaries or accountants thereof shall be transferred to this Bureau from the department where now employed, and such employes shall be deemed appointed to such positions within the provisions of Article XIII of the Charter and shall be entitled to all the benefits of said article thereafter.

Purchase of supplies for departments.

Section 2. The Purchaser of Supplies shall have authority, and it shall be his duty, to purchase all the supplies of every kind and nature required by the several departments of the City government (except the Public Library) upon requisitions issued by such departments, and this provision shall

supersede any provision to the contrary contained in this Charter and it shall be the duty of the department to comply herewith. He shall have authority to sell personal property belonging to the City and County when authorized by a resolution of the Board of Supervisors.

Section 3. Notwithstanding the provisions contained in Chapter III of this article or in Section 9 of Chapter I of Article III, the Board of Supervisors shall by ordinance provide a method by which all supplies shall be purchased, the quantity thereof for which contracts may be made, which shall not exceed the estimated quantity required for one year, the period for which delivery of supplies may be made, which shall not be longer than one year, the security to be exacted for the entering into a contract and the faithful performance thereof, the supplies for which advertisement must first be made, the manner of receipt, inspection, distribution and accounting therefor. The Purchaser of Supplies shall have authority to sign contracts for supplies for future delivery and payment when the same does not exceed \$1000; in other cases jointly with the head of the department requisitioning the same.

Regulations regarding purchase of supplies.

Section 4. Section 4 of Chapter III of this Charter shall be held applicable to all purchases and contracts made under the provisions of this chapter.

Collusion with bidder.

AMENDMENT No. 52.

Adding a new section thereto to be known as Section 6 of Article I, to read as follows:

Section 6. The City and County of San Francisco may purchase, receive, hold or lease real property outside the boundaries of the City and County for the purpose of establishing or maintaining a hospital or hospitals for the treatment and care of persons suffering from tuberculosis who would otherwise be patients at a City and County hospital situated within the limits of the City and County; and may erect, lease, equip and maintain a hospital or hospitals thereon for the treatment of such tubercular patients; and may also provide by contract for the maintenance and care of such tubercular patients in hospitals outside the limits of the City and County owned, operated or maintained by other cities, counties or cities and counties, or may by contract with other cities, counties or cities and counties provide for the joint ownership, operation, maintenance and control of a hospital or hospitals for the treatment of persons suffering from tuberculosis.

Establishment and maintenance of tuberculosis hospital.

AMENDMENT No. 53.

That Article XII of said Charter is hereby amended by adding a new section thereto, to be known as Section 18 and to read as follows:

ACQUISITION OF EXISTING STREET RAILWAYS.

Section 18. The City and County of San Francisco shall have power to purchase the whole or any part of the street

Acquisition of existing street railways.

railways, street railway system, street railway properties, equipment, franchises or other property operated, owned or controlled by the Market Street Railway Company and situated within the City and County of San Francisco and the County of San Mateo, and to own, operate, improve or extend the same, and any indebtedness incurred for such purchase shall not be subject to the limitation of Section 9 of Article XII of the Charter.

Proceedings for such purchase may be taken pursuant to the provisions of this Article XII of the Charter, or by initiative of the registered voters as provided in Chapter III of Article XI of this Charter, which is hereby declared to be applicable in the matter of the purchase provided for in this section. Such purchase or acquisition shall not, however, be consummated or become effective in the event such purchase shall involve the incurring of indebtedness or liability exceeding in any year the income or revenue provided for such year, unless the same shall be approved by two-thirds of the qualified electors voting thereon, as specified in Section 18 of Article XI of the Constitution of the State of California.

STATE OF CALIFORNIA, }
City and County of San Francisco, } ss.

Certificate.

This is to certify that we, James Rolph, Jr. mayor of the city and county of San Francisco, and J. S. Dunnigan, clerk of the board of supervisors of said city and county, have compared the foregoing proposed and ratified amendments to the charter of the said city and county of San Francisco with the original proposals, submitting the same to the electors of said city and county at a general election held on Tuesday, the seventh day of November, one thousand nine hundred and twenty-two, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter are and each of them is true.

In Witness Whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of the city and county of San Francisco, this 29th day of December, one thousand nine hundred and twenty-two.

JAMES ROLPH, JR.
Mayor of the city and county
of San Francisco.

[SEAL.]

J. S. DUNNIGAN,
Clerk of the Board of Supervisors of the
City and County of San Francisco.

Now therefore, be it

Approval
by
legislature.

Resolved, by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein. That said amendments to the charter of the city and county of San Francisco, as proposed to, and adopted and ratified by

the electors of said city and county, and as hereinbefore fully set forth, be and the same are, and each of them is hereby approved as a whole without amendment or alteration, for and as amendments to, and as part of the charter of the city and county of San Francisco.

CHAPTER 3.

Assembly Concurrent Resolution No. 1—Relative to canvassing vote for governor and lieutenant governor.

[Filed with Secretary of State January 24, 1923.]

Resolved by the assembly, the senate concurring, That the senate and assembly meet in joint session in the Assembly chamber at eleven o'clock, in the forenoon of Tuesday, January 9, 1923, for the purpose of being present when the speaker of the assembly shall open and publish the returns of the election for governor and lieutenant governor, as provided and required by article five, section four, of the constitution of the State of California.

Canvassing
vote for
governor and
lieutenant
governor

CHAPTER 4.

Senate Concurrent Resolution No. 8—Approving the charter of the city of San Mateo, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the nineteenth day of December, one thousand nine hundred twenty-two.

[Filed with Secretary of State January 26, 1923.]

STATE OF CALIFORNIA, }
County of San Mateo, } ss.
City of San Mateo, . }

We, the undersigned, THOS. J. BRADY, President of the Board of Trustees of the City of San Mateo, and E. W. FOSTER, City Clerk of said City of San Mateo do hereby certify and declare as follows: Certificate.

That the City of San Mateo is now and at all times herein referred to was a municipal corporation duly organized under the general incorporation laws of the State of California, and existing in the County of San Mateo therein, and contained a population of more than 3500 inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States.

That pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California, the Board of Trustees of said City of San Mateo, which was then and there the legislative body of said city, did, on presentation of a petition signed by not less than fifteen (15) per cent of the registered electors of said city, call an election to be held on the 10th day of April, 1922, for choosing a board of fifteen (15)

Certificate. freeholders to prepare and propose a charter for the government of said city and gave due notice of said election as required by law.

That at said election, held on said 10th day of April, 1922, a board of fifteen (15) freeholders was chosen by the electors of said city to prepare and propose a charter for the government of said city, the names of said freeholders so chosen being as follows:

Joseph B. Gordon,
Daniel MacRorie,
Edna L. Birlcm,
Iec T. Ross,
W. J. Eva,
Chas. K. McIrose,
S. E. Dado,
William F. Turnbull,
Geo. A. Kertell,
Thomas T. Wiseman,
Wood C. Baker,
J. E. McCurdy,
Horace W. Amphlett,
Herman Kroger,
Violet Adele Rochex.

That the returns of said election were canvassed and the result thereof declared by said Board of Trustees of said city on the 19th day of April, 1922.

That within one hundred twenty (120) days after the result of said election was declared, the period allowed said Board of Freeholders to prepare and propose a charter for the government of said city was, with the consent of the Board of Trustees of said city extended for a period not to exceed a total of sixty (60) days.

That said Board of Freeholders did prepare and propose a charter for the government of said city, which charter was signed by all of the members of said Board of Freeholders with the exception of W. J. Eva, to wit, by fourteen (14) members thereof, and the same was filed in the office of the City Clerk of said City of San Mateo on the 2nd day of October, 1922.

That said Board of Trustees did thereupon call and order the holding of a special election in said City of San Mateo, on Tuesday, the 19th day of December, 1922, and gave notice of the holding of said election as required by law, at which election there was submitted to the qualified electors of said city the question whether said proposed charter prepared and adopted as the charter for the government of said city should be ratified and adopted.

That within fifteen (15) days after the filing of said charter said Board of Trustees caused the same to be published once, to wit, upon the 14th day of October, 1922, in "San Mateo Times", which was then and there a weekly newspaper of general circulation printed and published in said city.

That said Board of Trustees caused copies of said proposed charter to be printed in convenient pamphlet form and kept in the office of the City Clerk of said city and did, until the date fixed for the election upon such charter, advertise in said "San Mateo Times" a notice that such copies might be had upon application therefor, the first publication thereof being on the 21st day of October, 1922.

That said election was held on said 19th day of December, 1922, and at said election 1061 votes were cast and 1061 voters voted thereat, of which number 659 voters voted and 659 votes were cast in favor of the adoption and ratification of said charter, and 390 voters voted and 390 votes were cast against the adoption and ratification of said charter; that said vote was duly canvassed by said board on Tuesday, the 26th day of December, 1922, and a statement thereof was duly entered in the minutes of said board and it then appeared and was found by said board that a majority of the qualified electors voting thereon at said election voted in favor of such proposed charter and for the ratification and adoption thereof.

That said charter so prepared, proposed, filed and ratified, as herein set forth, together with the certificate and signatures of said Board of Freeholders attached thereto, are in words and figures as follows, to-wit:

PROPOSED CHARTER OF THE CITY OF SAN MATEO
TO THE HONORABLE BOARD OF TRUSTEES of the
CITY OF SAN MATEO.

WHEREAS, the City of San Mateo for many years last past has been and now is a city containing a population of more than three thousand five hundred inhabitants, as ascertained by the last preceding census taken under authority of the Congress of the United States; and San Mateo city charter.

WHEREAS, on the 10th day of April, 1922, at an election duly held in said City, under and in accordance with the provisions of Section 8 or Article XI of the Constitution of the State of California, the electors of said city did duly choose and elect:

Joseph B. Gordon.
 Daniel MacRorie.
 Edna L. Birlen.
 Lee T. Ross.
 W. J. Eva.
 Chas. K. Melrose.
 S. H. Dado.
 William F. Turnbull.
 Geo. A. Kertell.
 Thomas T. Wiseman.
 Wood C. Baker.
 J. E. McCurdy.
 Horace W. Amphlett.
 Herman Kroger.
 Violet Adele Rochex.

who were all electors of said City and eligible as candidates under said section, a board of fifteen freeholders to prepare a charter for the government of said city; and

WHEREAS, in pursuance of the provisions of said constitution and within the period of one hundred and twenty days, and sixty additional days granted by the legislative body of said city, after the result of said election was declared, the Board of Freeholders has prepared and does now propose the following as and for the charter of said City of San Mateo.

PROPOSED NEW CHARTER FOR THE CITY OF SAN MATEO

- Name.** SECTION 1. NAME—The municipal corporation now existing and known as the City of San Mateo shall remain and continue to be a body politic and corporate as at present, in name, in fact and in law.
- Boundaries.** SECTION 2. BOUNDARIES—The boundaries of said city shall be the same as now established with power and authority to change the same as provided by law.
- Powers.** SECTION 3. POWERS—Said City, by and through its council and other officials, shall have and may exercise all powers necessary or appropriate to a municipal corporation and the general welfare of its inhabitants which are not prohibited by the constitution and which it would be competent for this charter to set forth particularly or specifically, including all powers now or hereafter granted to cities of the sixth class; and the specification herein of any particular powers shall not be held to be exclusive or any limitation of this general grant of powers.

LEGISLATIVE DEPARTMENT

- Council.** SECTION 4. THE COUNCIL—The legislative body of said city shall consist of five persons elected at large, which body shall be known as the Council.
- The members of the Council shall be elected by the qualified voters of said city at a general municipal election to be held therein every odd-numbered year as hereinafter provided. They shall hold office for the period of four years from and after the Monday next succeeding the day of their election, and until their successors are elected and qualified; provided, the respective terms of the members of the first Council elected under this charter shall be as follows:—the two persons elected by the highest number of votes shall hold office for four years, and the three persons elected by the lowest number of votes shall hold office for two years. In the event that two or more persons shall be elected by the same number of votes, their term shall be fixed by lot.
- The members of the Council shall not receive any compensation, nor shall they be eligible to any other office or employment with the city. In the event of resigning they shall not be entitled to vote on the selection of their successors.
- No person shall be eligible to hold office as a member of the Council, or as City Attorney or City Judge unless he shall

have been a resident and elector thereof for at least one year next preceding the date of his election or appointment.

SECTION 5. MEETINGS—The Council shall meet at eight o'clock P. M. on the first Monday following a general municipal election and canvass the returns thereof. ^{Meetings of Council.} The new members shall then be inducted into office, whereupon the Council, as thus newly constituted, shall choose one of their number to serve as president of the Council and be ex-officio Mayor. The Council shall also choose one of their number to serve as Vice-President, and he shall act as Mayor pro tempore in case of the absence, sickness or other disability of the Mayor. The officials so chosen shall hold their respective offices subject to the pleasure of the Council. The regular meetings of the Council shall be held on the first and third Monday of each month at eight o'clock P. M. but any regular meeting may be adjourned to a date certain, which adjourned meeting shall be a regular meeting for all purposes. Special meetings may be called by the Mayor or three councilmen at any time by written notice delivered personally to each member at least three hours before the time specified for the meeting.

All meetings of the Council shall be held in the City Hall, unless by reason of fire, flood or other disaster, the City Hall cannot be used for that purpose, and all meetings shall be open to the public. The Council shall adopt rules for conducting their proceedings.

SECTION 6. QUORUM—A majority of the Council shall constitute a quorum for the transaction of any business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. ^{Quorum.}

The affirmative vote of a majority of the Council shall be necessary to adopt any ordinances, resolutions or claims against the city, which vote shall be taken by ayes and noes and entered upon the record.

SECTION 7. ORDINANCES—All proposed ordinances introduced in the Council shall be in printed or typewritten form. The enacting clause of all ordinances passed by the Council shall read as follows: "The Council of the City of San Mateo do ordain as follows:" The enacting clause of all ordinances initiated by the people shall read as follows: "The people of the City of San Mateo do ordain as follows:" ^{Ordinances.}

No ordinance shall be passed by the Council on the day of its introduction, nor within five days thereafter, nor at any time other than a regular meeting. A proposed ordinance may be amended or modified between the time of its introduction and the time of its final passage, providing its general scope and original purpose are retained. All ordinances shall be signed by the Mayor and attested by the City Clerk, and shall be published at least once in a newspaper of general circulation before becoming effective; provided, any ordinance declared by the Council to be necessary as an emergency measure for preserving the public peace, health or safety, and containing the reasons for its urgency, may be introduced

and passed at one and the same meeting and, if passed by a four-fifths vote, shall become effective immediately.

DEPARTMENT OF ADMINISTRATION.

Officers and employees.

SECTION 8. OFFICERS AND EMPLOYEES—The officers of the City of San Mateo shall consist of five members of the Council, a Mayor, a City Manager, a City Clerk, a City Treasurer, a City Attorney, a City Assessor, a City Tax Collector, a City Engineer, a Street Superintendent, a Judge of the Municipal Court, a Chief of Police, a Fire Chief, a Health Officer and five Library trustees; provided, the Council may by ordinance provide for such subordinate officers, assistants, deputies, clerks, and employees as they deem necessary. The members of the Council, the City Treasurer and the City Clerk shall be elected from the city at large, and shall hold office for four years and until their successors are elected and qualified. The City Clerk shall be ex-officio Assessor. He shall also serve as Tax Collector unless otherwise provided by ordinance. The City Engineer may also hold the office of Street Superintendent. All other officers, assistants, deputies, clerks and employees shall be appointed as provided in this charter, or as the Council may provide by ordinance in case no provision for their appointment is herein made, and they shall hold their respective offices or positions at the pleasure of the appointing power. Where the appointment of any of said officers, assistants, deputies, clerks or employees, is vested in the Council, the Board of Library Trustees, or other body, the appointment and removal must be made by a three-fifths vote of the members of such body.

Official bonds.

SECTION 9. OFFICIAL BONDS—The Council shall determine which officers shall give bonds for the faithful performance of their official duties, and fix the amount of said bonds. Such officers, before entering upon their official duties, shall execute a bond to the city in the penal sum required, which bond shall include any other offices of which they may be ex-officio incumbent. Said bonds shall be approved by the Council and filed with the City Clerk.

Oath of office.

SECTION 10. OATH OF OFFICE—Every officer shall take the constitutional oath of office and subscribe thereto before entering upon the performance of his official duties.

Mayor.

SECTION 11. MAYOR—The Mayor shall be the executive head of the city. In case of riot, insurrection or extraordinary emergency he shall assume general control of the city government and all of its branches and be responsible for the suppression of disorders and the restoration of normal conditions. In the Name and on behalf of the city he shall sign all contracts, deeds, bonds and other legal instruments in which the city is a party. He shall represent the city at all ceremonial functions of a social or patriotic character when it is desirable or appropriate to have the city represented officially thereat. He shall not receive any compensation for his services.

SECTION 12. CITY MANAGER—There shall be a City ^{City} Manager appointed by the Council who shall be the administrative head of the city government. It shall not be necessary that he reside in the city at the time of his appointment, but he shall become a resident thereof within sixty days thereafter and thereafter during his incumbency actually reside in said city. His powers and duties shall be as follows:

- (a) To see that all ordinances are enforced.
- (b) To appoint, except as otherwise provided, all heads of departments, subordinate officials and employees, and remove the same, except as otherwise provided, and have general supervision and control over the same.
- (c) To exercise general supervision over all privately owned public utilities operating within the city so far as the same are subject to municipal control.
- (d) To see that the provisions of all franchises, permits, and privileges granted by the city are fully observed, and report to the Council any violations thereof.
- (e) To act as purchasing agent for the city.
- (f) To attend all meetings of the Council unless excused therefrom by the Council or the Mayor.
- (g) To examine or cause to be examined, without notice, the conduct of any officer or employee of the city.
- (h) To keep the Council advised as to the needs of the city.
- (i) To devote his entire time to the interests of the city.
- (j) To have general supervision over all the public parks and playgrounds of the city.
- (k) To appoint such advisory boards as he may deem desirable to advise and assist him in his work, provided such boards shall not receive any compensation.

SECTION 13. CITY CLERK—There shall be a City ^{(City) clerk.} Clerk elected every four years at the general municipal election. It shall be his duty to keep a full, true and correct record of all the proceedings of the Council and of the Board of Equalization. The proceedings of the Council shall be kept in a book, marked "Records of the City Council." The proceedings of the Board of Equalization shall be kept in a separate book marked "Records of the Board of Equalization." He shall also keep a book marked "City Accounts," in which shall be entered as a credit all moneys received by the city for taxes, licenses, and all other moneys, and in which shall be entered upon the debtor side all commissions deducted and warrants drawn on the treasury. He shall also keep a book, marked "Tax and License Collector's Account," in which he shall charge the Tax Collector with all the tax lists and licenses delivered to him. He shall credit the Tax Collector with the delinquent lists returned by him. He shall also keep a book marked, "Licenses," in which he shall enter all licenses issued by him, the date thereof, to whom issued, for what, the time of expiration, and the amount paid. He shall also keep a book marked "Treasurer's Account," in which he shall keep a full account of the transactions of the city with the treasurer. He shall also keep a book marked

“Ordinances,” into which he shall copy all city ordinances, or inserted printed copies thereof; and he shall annex his certificate to each copy certifying that the same is a full, true and correct copy of an ordinance of said city, giving its number and title, and stating that the same has been published according to law. Said record copy, with said certificate, shall be prima facie evidence of the contents of the ordinance and of its passage and publication, and shall be admissible as such evidence in any court or proceeding. Such records shall never be filed but shall be returned to the custody of the clerk. Nothing herein contained shall prevent proof of the passage and publication of ordinances by other competent methods. He shall also keep a book marked “Demands and Warrants,” in which he shall note every demand against the city before filing the same. He shall note therein, the final disposition made of each demand; and if the same is allowed, and a warrant drawn, he shall show the number and date of the warrant. Each of the foregoing books shall have a general index, sufficiently comprehensive to enable a person to ascertain readily the matters contained therein. Upon completion of the assessment roll each year and the levying of the tax thereon, the City Clerk shall apportion said taxes, and make out and deliver to the Tax Collector the official tax list, taking his receipt therefor. The City Clerk may appoint a deputy, for whose acts he and his bondsmen shall be responsible. He and his deputy shall have power to administer oaths or affirmations and take affidavits and depositions to be used in any court or proceeding in the state. He or his deputy shall take all necessary affidavits to demands against the city, and certify the same without charge. He shall be the custodian of the seal of the city. He shall make a quarterly statement in writing, showing the receipts and expenditures of the city for the preceding quarter, and the amount remaining in the treasury. He shall at the end of every fiscal year make a full and detailed statement of the receipts and expenditures of the preceding year, and a full statement of the financial condition of the affairs of the city, which shall be published. He shall have such other powers and perform such other duties as may be provided by this charter or by ordinance.

SECTION 14. CITY ENGINEER AND STREET SUPERINTENDENT—There shall be a City Engineer appointed by the City Manager. He may also hold the office of Street Superintendent if so appointed by the City Manager. It shall not be necessary that he be a resident of the city at the time of his appointment.

As City Engineer he shall be the custodian of, and responsible for, all maps, plans, profiles, field notes and other records and memoranda belonging to the city, pertaining to his office and the work thereof, all of which he shall keep in proper order and condition, with full indices thereof. He shall turn the same over to his successor upon relinquishing his office, who shall give him duplicate receipts therefor, one of which he

City
engineer and
street
superintend-
ent.

shall file with the City Clerk. All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him or under his direction or control during his term of office shall be the property of the city. He shall have supervision over all public work relating to the grading, paving, cleaning, lighting, watering and repairing of streets, the building of sewers and the disposal of sewage, garbage and rubbish, also all other matters of an engineering character. He shall, at the time of his appointment, have been a practicing civil engineer for a period of at least three years. All other things being equal, an engineer who has had special training or experience in municipal engineering shall be appointed to this office if practicable.

The Street Superintendent shall perform such duties as may be prescribed, now or hereafter, by ordinance or general laws of the state. Nothing herein contained shall prevent the City Manager himself from acting as ex-officio City Engineer and Street Superintendent and filling such offices as herein provided.

SECTION 15. CITY TREASURER—There shall be a ^{City} ~~City~~ Treasurer elected every four years at the general municipal election. It shall be his duty to receive and safely keep all moneys and securities belonging to the city and coming into his hands, and pay out the same only on warrants signed by the proper officers and not otherwise. In case it should be provided by ordinance, he shall serve as Tax and License Collector for the city.

SECTION 16. CITY ASSESSOR—There shall be a ^{City} ~~City~~ Assessor of which office the City Clerk shall be ex-officio incumbent. It shall be the duty of the assessor, as soon after the first Monday of March each year as practicable, to make a full, true and correct assessment of all taxable property within the city owned or possessed by any person, board or corporation at 12 o'clock noon on the first Monday in March of each year. He shall make out lists, giving the names of owners and description and value of the property, following the form as nearly as may be required by the laws of the state governing county assessors. Provided, that in preparation for the first assessment after this charter takes effect, the Council shall, at or before its first meeting in February, 1924, provide for a scientific appraisal by an expert of all real property in the city including improvements. Such appraisal shall be made as of twelve o'clock noon of the first Monday in March, and shall be used by the City Assessor as the basis of assessment, for taxation purposes, subject to his appropriate revision annually. The Council may have such a scientific appraisal made every five years thereafter. The expert employed must not be a resident of the city or of the County of San Mateo.

Whenever such expert appraisal is to be made, the Council may, under agreement with the county Board of Supervisors, provide by resolution for a joint appraisal for the use of the city and the county; in which case such resolution shall

authorize payment by the city of not more than one-half of the total expense of such joint appraisal.

City
attorney.

SECTION 17. CITY ATTORNEY—There shall be a City Attorney appointed by the Council. He shall be an attorney-at-law, admitted to the bar of the Supreme Court of this State, and one who has been in actual practice in the state for at least three years next preceding. All other things being equal, an attorney who has had special training or experience in municipal corporation law shall be appointed to this office if practicable. The City Attorney shall be legal advisor of the Council and all other city officials. He shall draft all ordinances, resolutions, contracts, or other legal documents or proceedings required by the Council, or other officials, except as may be otherwise provided, and shall perform such other legal services from time to time as the Council may require. He shall attend all meetings of the Council unless excused therefrom by the Council or the Mayor.

City judge.

SECTION 18. CITY JUDGE—There shall be a City Judge appointed by the Council. He shall be judge of the municipal court, which is hereby established. Said municipal court shall have jurisdiction, concurrently with the justices' courts, of all actions and proceedings, civil and criminal, arising within the corporate limits of said city, and which might be tried in such justice's court; and shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty, or forfeiture prescribed for the breach of any ordinance of said city, of all actions founded upon any obligation created by any ordinance, and of all prosecutions for any violation of any ordinance. In all civil actions for the recovery of any fine, penalty, or forfeiture prescribed for the breach of any ordinance of said city, where the fine, penalty or forfeiture imposed by the ordinance is not more than fifty dollars, the trial must be by the court. In civil actions where the fine, penalty or forfeiture prescribed for the breach of any ordinance of said city is over fifty dollars, the defendant is entitled to a jury. Except as in this section otherwise provided, the rules and practice and mode of proceeding in said municipal court shall be the same as are or may be prescribed by law for justice's courts in like cases; and appeals may be taken to the superior court from all judgments of said municipal court in like manner and with like effect as in cases of appeals from justices' courts.

The City Judge shall have all powers and perform the duties of a magistrate and may administer and certify oaths and affirmations and take and certify acknowledgments. All fines, fees and costs collected by him shall be paid into the city treasury monthly. He shall make such periodical reports as the Council may require.

In all cases in which the City Judge is a party, or in which he is interested, or when he is related to either party by consanguinity or affinity within the third degree, or is otherwise disqualified, or in case of sickness or inability to act, he may

call upon any Justice of the Peace, residing in the County to act in his stead.

The City Council may appoint the Justice of the Peace of the township in which the City of San Mateo is located, as City Judge.

All actions and proceedings pending and undetermined in the Recorder's Court of the City of San Mateo at the time this charter takes effect, shall be proceeded with, heard and tried and determined in the Municipal Court hereby provided for, in the same manner as if such actions or proceedings had been originally commenced in said Municipal Court.

SECTION 19. TAX COLLECTOR—There shall be a Tax Collector of which office the City Clerk shall be ex-officio incumbent, unless the Council by ordinance, should provide for the collection of taxes and licenses by the treasurer. He shall perform such duties as may be prescribed by ordinance. Tax collector.

SECTION 20. HEALTH OFFICER—There shall be a Health Officer appointed by the City Manager. He shall be a person who has been licensed to practice medicine in the State of California or who has received special training in public health work. He shall exercise general supervision over the health and cleanliness of the city, and take all necessary measures for the preservation and promotion thereof. He shall enforce all laws, ordinances, and regulations relative to the preservation and improvement of the public health, including those provided for the prevention of disease, the suppression of unsanitary conditions, and the inspection and supervision of the production, transportation, storage and sale of food stuffs. Health officer.

SECTION 21. CHIEF OF POLICE—There shall be a Chief of Police appointed by the City Manager. He shall be the head of the police department of the city, and shall have all the powers that are now or may hereafter be conferred upon sheriffs and other peace officers by the laws of the state. It shall be his duty to preserve the public peace, and to suppress riots, tumults and disturbances. His orders shall be promptly executed by the police officers, or watchmen of the city, and every citizen shall lend him aid when requested for the arrest of offenders, the maintenance of public order or the protection of life and property. Chief of police.

He shall execute and return all process issued to him by legal authority. He shall have authority, and it is hereby made his duty, to arrest persons violating any law of the state or ordinance of the city. Those arrested for violating city ordinances may, before or after trial, be confined in the county jail of San Mateo County or in the city prison of the city. He shall have such other powers and duties appertaining to his office as may be prescribed by the Council or rules of the police department. He shall appoint and remove all subordinates in the department, make rules and regulations for the management of the department and prescribe tests and examinations for persons in the department, all in accordance

with the provisions of this charter, and subject to the approval of the City Manager.

Chief of the
department.

SECTION 22. CHIEF OF FIRE DEPARTMENT—There shall be a Fire Chief appointed by the City Manager. He shall be head of the fire department of the city, and shall have charge and supervision over all matters relating to the prevention and extinction of fires, and of all measures necessary to guard and protect all property impaired thereby. He shall appoint and remove all subordinates in the department and make rules and regulations for the government thereof, subject to the approval of the City Manager.

Pensions.

SECTION 23. PENSIONS—No pensions of any kind or character shall be awarded or paid to any active or retired city official, employee, or member of the police or fire department, unless provided by an initiative ordinance adopted by the electors of the city.

Public
library.

SECTION 24. PUBLIC LIBRARY—The free public library of the city shall be managed under and in accordance with the provisions of the general laws of the state relating to free public libraries.

Accountant.

SECTION 25. EXPERT ACCOUNTANT—The Council shall employ a certified public accountant annually to investigate the transactions and accounts of all officers or employees having the collection, custody or disbursement of public money or property, or the power to approve, allow or audit demands on the treasury.

Compensation.

SECTION 26. COMPENSATION—The Council shall fix the compensation of all officers, also the compensation of all deputies, assistants and employees of all officers appointed by the Council. The salaries of all officers shall be fixed by ordinance.

The City Manager shall fix the compensation of all deputies, assistants and employees of all officers appointed by him, subject to the approval of the Council.

Deputies.

SECTION 27. DEPUTIES—All elective officers, and officers appointed by the Council, shall have the power to appoint their own deputies when the same are necessary, subject however to confirmation by the Council.

City
elections.

SECTION 28. ELECTIONS—General municipal elections shall be held in said city on the first Tuesday in April of each odd-numbered year, under and pursuant to the provisions of the general laws governing elections in cities of the sixth class, so far as the same may be applicable, and except as herein otherwise provided; subject however to the provisions of section 55 hereof as to the first officers elected hereunder.

At least twenty days before the day of election each candidate for an elective office shall file with the City Clerk a statement containing the following information in the order herein set forth: (a), his name; (b), the office for which he is a candidate; (c), his present residence and occupation; (d), the various kinds of business or employment he has been engaged in during the past five years and where, also the positions of importance and trust which he may have held in

connection therewith; (e), the civic, improvement or other organizations which he has been a member of within the past five years and the positions of honor or trust, which he may have held therein; (f), the public offices he ever held, if any, as principal, deputy or employee; (g), the experience, training or education he has received which, in his opinion, would qualify him to fill the office for which he is a candidate; (h), the length of time he has been a taxpayer in the city; (i), the principal public improvements or betterments which he would urge the accomplishment of if elected; (j), the names of not more than fifteen residents who know something of his character and abilities; (k), any other information which, in his opinion, would enable the electors to determine his qualifications for said office.

Said statement shall be verified, and be accompanied by a photograph of the candidate taken within two years last past. Each candidate shall be required to pay a fee of fifteen dollars to defray the expense of a photo engraving from said photograph and the publication of said statement. In case he furnished a suitable photo engraving made within two years last past, the aforementioned fee shall be ten dollars.

The City Clerk shall publish the statements of each candidate so filed, with the candidate's photo engraving annexed thereto, in one or more newspapers of the city, by two insertions therein prior to the day of election. No response to any one of the various requirements above mentioned shall exceed 100 words in length.

SECTION 29. VACANCIES—A vacancy in any elective office, from whatever cause arising, shall be filled by appointment by the Council, such appointee to hold office until the next general municipal election, when a successor shall be chosen by the electors for the unexpired term: provided, that if the Council fails to agree or for any other reason does not fill such vacancy within thirty days after the same occurs, then such vacancy shall be filled by the mayor; provided however, that if for any reason the seats of a majority of the Council shall become vacant, then the City Clerk shall call a special election at once to fill the vacancies for the unexpired terms, and the same shall be conducted substantially in the manner provided for general municipal elections.

If any officer of the city shall remove from the city or absent himself therefrom for more than thirty days consecutively without the permission of the Council, or shall fail to qualify, or shall resign or be convicted of a felony, or be adjudged insane his office shall thereupon become vacant.

FISCAL MANAGEMENT

SECTION 30. CONTRACT WORK—In the erection, improvement and repair of all public buildings and works, in all street and sewer work, or in or about embankments or other works for protection against overflow, and in furnishing any supplies or materials for the same, when the expenditure required for the same shall exceed the sum of three hundred

dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after notice by publication in the official newspaper;

Provided, that the Council may reject any and all bids presented and may re-advertise, in their discretion, and

Provided further, that after rejecting bids the Council may declare and determine by a four-fifths vote of all its members that in its opinion the work in question may be more economically or satisfactorily performed by day labor, or the materials or supplies purchased at a lower price in the open market, and after the adoption of a resolution to this effect, it may proceed to have the same done in the manner stated without further observance of the foregoing provisions of this section; and

Provided further, that in case of a great public calamity, such as an extraordinary fire, flood, storm, epidemic or other disaster, the Council, may, by resolution passed by a vote of four-fifths of all its members, declare and determine that public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property, and thereupon they may proceed to expend, or enter into a contract involving the expenditure of, any sum required in such emergency.

Public Improvements
and
street work.

SECTION 31. PUBLIC IMPROVEMENTS AND STREET WORK—All public improvements, including the improving, widening or opening of streets or highways may be done under and in pursuance of the general laws of the state or procedure ordinances adopted by the Council or the electors, and the whole or any portion of the cost thereof paid out of the city treasury or assessed on the property benefited.

Franchises.

SECTION 32. FRANCHISES—Every franchise or privilege to construct, maintain, or operate any railroad, or other means of transportation in or over any street or highway, or to lay pipes or conduits, or erect poles or wires or other structures in or across any street or highway for the transmission of gas, electricity, or other commodity, or for the use of public property or places now or hereafter belonging to the city, shall be granted under and in pursuance of the provisions of the general laws of the state relating to the granting of franchises; provided no new franchise or the renewal of an existing franchise shall be granted except upon condition that at least two per cent (2%) of the gross annual receipts derived from the use of such franchise shall be paid to the city. In all cases the applicant for a franchise shall advance the cost of advertising the same.

Every such franchise shall require the grantee thereof to agree to a joint use of its property to others, wherever practicable, and nothing herein shall be construed as prohibiting the Council from requiring other conditions not inconsistent with the constitution or general laws. No franchise or privilege so granted shall be sold, leased, assigned, or otherwise alienated without the express consent of the Council given by ordinance and subject to the referendum.

SECTION 33. ILLEGAL CONTRACTS—No member of the Council, or of any board, and no officer or employee of the city shall be or become directly or indirectly interested in any contract, work or business, or in the sale of any article, the expense, price or consideration of which is payable from the city treasury, nor receive any gratuity or advantage from any contract or person furnishing labor or material for the same. Any contract with the city in which any such officer or employee is or becomes interested may be declared void by the Council.

Interest of officers or employees in contracts.

No officer or employee of the city shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at a higher price or rate than that proposed by any other bidder, or favor one bidder over another, giving or withholding information, or wilfully mislead any bidder in regard to the character of the materials or supplies called for, or knowingly accept materials or supplies of a quality inferior to that called for by the contract, or knowingly certify to a greater amount of labor performed than has actually been performed, or to the receipt of a greater amount of material or supplies than has actually been received.

Any officer or employee violating any of the foregoing provisions of this section shall be guilty of a misdemeanor and be automatically expelled from his office or employment.

If at any time it shall be found that the person, firm or corporation to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties, then the contract so awarded shall, if the city so elect, be null and void and the contractor and his bondsmen shall be liable to the city for all loss or damage which the city may suffer thereby. In that event the Council may advertise anew for bids for said work or supplies.

SECTION 34. BUDGET—Not later than thirty days before the time for fixing the annual tax levy, the City Manager shall submit to the Council an estimate of the expenditures and revenues of the city departments for the ensuing year. This estimate shall be compiled from detailed information obtained from the several departments on uniform blanks to be furnished by the manager. The classification of the estimate of expenditures shall be as nearly uniform as possible for the main functional divisions of all departments, and shall give in parallel columns the following information:

Annual budget.

(a). A detailed estimate of the expense of conducting each department as submitted by the department.

(b). Expenditures for corresponding items for the last two fiscal years.

(c). Expenditures for corresponding items for the current fiscal year, including adjustments due to transfers between appropriations plus an estimate of expenditures necessary to complete the current fiscal year.

(d). Amount of supplies and material on hand at the date of the preparation of the invoice.

(e). Increase or decrease of requests compared with the corresponding appropriations for the current year.

(f) Such other information as is required by the Council or that the manager may deem advisable to submit.

(g). The recommendation of the manager as to the amounts to be appropriated with reasons therefor in such detail as the Council may direct.

Sufficient copies of such estimate shall be prepared and submitted, that there may be copies on file in the office of the Council for inspection by the public, unless the Council shall publish the same in a newspaper.

After duly considering the estimate and preparing the budget, the Council shall pass an ordinance levying the annual tax.

Fiscal year. SECTION 35. FISCAL YEAR—The fiscal year shall begin with the first day of November and end with the last day of October of each year.

Taxation. SECTION 36. TAXATION—Except as otherwise herein provided, the Council, by ordinance, shall provide a system for the assessment, levy, collection and equalization of taxes, which, as nearly as may be, shall conform to the system provided by the general laws of the state; provided that all sales for delinquent taxes shall be made to the City of San Mateo. Should the Council fail to fix the tax rate within the time prescribed, then the tax rate of the previous year shall constitute the rate for the current year.

Limit on tax levy. SECTION 37. DOLLAR LIMIT—The amount of the annual tax levy, exclusive of the tax to pay the interest on and maintain the sinking funds of any indebtedness of the city, and exclusive of the tax to pay for the maintenance and improvement of the parks, squares, public grounds and public libraries of the city, shall not exceed the rate of one dollar on each one hundred dollars valuation of the property assessed. The foregoing limitation shall not apply in the event of any great necessity or emergency, in which case it may be temporarily suspended, provided no increase over the dollar limit shall be made in any fiscal year, unless authorized by ordinance adopted by vote of the people.

Payments to treasurer daily. SECTION 38. PAYMENTS TO TREASURER DAILY—All moneys collected for the city by any officer or department thereof shall be paid into the treasury daily if possible, and, at least once each week.

Reports of fees, etc. SECTION 39. REPORTS OF FEES AND COMMISSIONS.—Every officer authorized to charge a fee, commission or percentage by way of compensation shall make a written report to the Council monthly of all moneys so received by him.

Payment of salaries. SECTION 40. PAYMENT OF SALARIES—All demands for salaries which are fixed by law, ordinance or this charter, shall be allowed and paid regularly without the necessity of any specific approval for each payment.

Disposition of bond money. SECTION 41. SURPLUS BOND MONEY—All moneys derived from the sale of bonds, including premiums and

accrued interest, shall be applied only to the purposes for which the bonds were voted. After such purposes have been fully completed and paid for, any remaining surplus shall be transferred to the fund established for meeting the interest and redemption of such bonds.

SECTION 42. APPROVING ILLEGAL CLAIMS—Every officer who shall wilfully approve, allow or pay any demand on the treasury not authorized by law, shall be liable to the city individually and on his official bond for the amount of the demand so approved, allowed or paid, and shall forfeit such office and be forever disbarred and disqualified from holding any position in the service of the city.

Approval of unauthenticated claims.

SECTION 43. COUNTING THE MONEY—The Mayor, City Clerk and City Manager shall together count the money and other securities, in the treasury at least once every three months, and ascertain if the amounts on hand tally with the amounts that should be in the treasury according to the books of the city. They shall make a written report thereof to the Council at its first regular meeting thereafter.

Count of money in treasury.

SECTION 44. INITIATIVE, REFERENDUM AND RECALL—Ordinances may be initiated, or the referendum exercised on ordinances passed by the Council under and in accordance with the constitution and general laws of the state, and any elective officer may be recalled from office under and in pursuance of the provisions of the constitution and general laws; provided, that in no case shall candidates be elected to fill the place of an officer sought to be recalled, but in case of recall such office shall be deemed vacant and be filled by appointment the same as other vacancies; provided however, that in the event of a majority or more of the Council being recalled, the clerk shall call a special election to be held within sixty days to fill such vacancies.

Initiative, referendum and recall.

SECTION 45. NEWSPAPER ADVERTISING AND PRINTING—The Council shall advertise annually for the submission of sealed proposals or bids from all newspapers of general circulation in the city, for the publication of all ordinances and other legal notices required to be published. The newspaper to whom such contract is awarded shall be known and designated as the Official Newspaper. The rates for publishing public notices shall not exceed the customary rates charged for publishing legal notices of a private character.

Official newspaper.

The Council shall also advertise annually for sealed proposals or bids for printing and furnishing all letter heads, stationery, tax bills, account books and other printed matter likely to be required during the fiscal year.

Bids for printed supplies.

Contracts for advertising or printing, as the case may be, shall be awarded to the lowest responsible bidder.

MISCELLANEOUS.

SECTION 46. ADDITIONAL DUTIES OF OFFICERS—Besides the duties herein specified, all officers and boards shall perform such other appropriate duties as may be prescribed by ordinance or the general laws.

Duties of officers.

General laws
applicable.

SECTION 47. GENERAL LAWS APPLICABLE—All general laws of the state applicable to municipal corporations, now or hereafter enacted, and which are not in conflict with the provisions of this charter or with ordinances hereafter enacted, shall be applicable to the City. The Council may adopt and enforce ordinances which, in relation to municipal affairs, shall control as against the general laws of the State.

Official
records.

SECTION 48. OFFICIAL RECORDS—All books and records of every office and department shall be open to the inspection of any citizen during business hours, subject to the proper rules and regulations for the efficient conduct of the business of such department or office, provided, the records of the police department shall not be subject to such inspection except by permission of the proper police authorities.

Copies or extracts, duly certified, from said books and records open for inspection, shall be given by the officer having the same in custody to any person demanding the same and paying or tendering ten cents per folio of one hundred words for such copies or extracts, and the additional sum of twenty-five cents for certifying.

All officers and boards shall deliver to their successors all papers, books, documents, records, archives and other properties pertaining to their respective offices or departments, in their possession or under their control.

Interference
with or by
city
manager.

SECTION 49. INTERFERENCE WITH OR BY MANAGER—No councilman shall in any manner attempt to influence the City Manager in the making of any appointment or in the purchase of supplies. A violation of this provision shall work a forfeiture of the office of the councilman.

Neither the City Manager, nor any person in the employ of the city shall take any active part in securing, or shall contribute money toward, the nomination or election of any candidate for a municipal office.

Gifts to
officers and
employees.

SECTION 50. NO GRATUITIES TO OFFICIALS—No officer or employee shall accept any donation or gratuity in money, or other thing of value either directly or indirectly, from any subordinate or employee, or from any one under his charge, or from any candidate or applicant for any position as employee or subordinate in any department of the city.

Vacations.

SECTION 51. VACATIONS—All officers and regular employees of the city, after serving at least one year, shall be entitled to two weeks vacation annually. Such vacation shall be at such time as the executive head of the department in which such officer or employee may be serving shall direct and shall be without loss of pay.

Continuing
officers and
employees.

SECTION 52. CONTINUING OFFICERS AND EMPLOYEES.—Until the election or appointment and induction into office of the officers and employees in this charter provided for, the present officers and employees shall without interruption, continue to perform the duties of their respective offices and employments for the compensation provided by the preceding charter or existing ordinances or laws, except, that the members of the city Council shall not receive any compensa-

tion from and after the adoption of this charter and its approval by the legislature.

SECTION 53. CONTINUING ORDINANCES IN FORCE—All lawful ordinances, resolutions, and regulations in force at the time this charter shall take effect, and not inconsistent with its provisions, are hereby continued in force until the same shall have been duly amended, repealed or superseded. Ordinances to continue in force.

SECTION 54. CONTINUING CONTRACTS IN FORCE—All vested rights of the city shall continue and shall not in any manner be affected by the adoption of this charter; nor shall any right, liability, pending suit or prosecution, either in behalf of or against the city, be affected by the adoption of this charter. All contracts entered into by the city prior to the taking effect of this charter shall continue in full force and effect. All public work begun prior to the taking effect of this charter shall be continued and perfected hereunder. Vested rights, contracts, etc., not affected.

SECTION 55. WIEN CHARTER EFFECTIVE—For the purpose of holding the municipal election and electing the officers provided herein, this charter shall go into effect upon its approval by the legislature. For all other purposes it shall go into full force and effect from and after the seating of the new Council elected hereunder. Within sixty days after their election and induction into office said Council shall appoint a City Manager as herein provided. Should the legislature fail to approve this charter before February 1st, 1923, the first election hereunder shall be held on the first Tuesday in June, 1923, and the officers elected thereat shall be seated on the Monday following. Thereafter the elections and terms of officers shall be as hereinbefore provided. When charter effective.

IN WITNESS WHEREOF, we have hereunto set our hands and seals the 28th day of September, 1922.

1. Horace W. Amphlett, Chairman.
2. J. E. McCurdy, Secretary.
3. Violet A. Rochex.
4. Wood C. Baker.
5. Thos. T. Wiseman.
6. Joseph B. Gordon.
7. Lec T. Ross.
8. Charles K. Melrose.
9. D. MacRorie.
10. Geo. A. Kertell.
11. Herman Kroger.
12. S. H. Dado.
13. William F. Turnbull.
14. Edna K. Birlem.

Frecholders of the City of San Mateo, California.

We do hereby further certify that the foregoing constitutes a full, true and correct copy of the charter for the government of the City of San Mateo as prepared and proposed by the said Board of Frecholders and filed in the office of the City Clerk Certificate.

of said City of San Mateo on October 2, 1922, as above set forth.

In witness whereof, we have hereunto set our hands and hereto affixed the seal of the City of San Mateo, this 20th day of January; one thousand nine hundred and twenty-three (1923).

THOMAS J. BRADY,
President of the Board of Trustees
of the City of San Mateo.

E. W. FOSTER,
City Clerk of the City of San Mateo.

[SEAL]

Approval by
legislature.

WHEREAS, Said charter has been submitted to the legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment in accordance with section eight article eleven of the constitution of the State of California, now therefore be it

Resolved by the senate of the State of California, the assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the said charter, so prepared, proposed and adopted and ratified by a majority of the qualified electors of said city of San Mateo, as herein above set forth be and the same is hereby approved as the charter of the city of San Mateo.

CHAPTER 5.

Senate Concurrent Resolution No. 3 — Approving certain amendments to the charter of the county of San Bernardino, State of California.

[Filed with Secretary of State January 29, 1923.]

STATE OF CALIFORNIA, }
COUNTY OF SAN BERNARDINO } ss.

Certificate.

Certificate of county clerk of the county of San Bernardino, State of California, and chairman of the board of supervisors of San Bernardino County, State of California, as to the adoption and ratification of a certain amendment to the charter of said county of San Bernardino, submitted to the qualified electors of said county on the seventh day of November, 1922.

PREAMBLE.

BE IT KNOWN THAT:

WHEREAS, the County of San Bernardino, State of California, has at all times mentioned herein been and now is a body politic of said State of California, and is now and has been since the 7th day of April, 1913, organized and acting under and by virtue of a charter adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State

of California, which charter was duly ratified by the qualified electors of said County at an election held for that purpose on the 5th day of November, 1912, and approved by the Legislature of the State of California, on the 7th day of April, 1913; (Statutes 1913, page 1652, et seq.) and Certificate.

WHEREAS, on the 25th day of September, 1922, the Board of Supervisors of said San Bernardino County, pursuant to the provisions of Section 7 $\frac{1}{2}$ of Article XI of the Constitution of said State, duly proposed to the qualified electors of said County an amendment to the charter of said county by the submission of a proposal for such amendment to said electors at the general election to be held November 7th, 1922, and at the same time said Board duly ordered that said proposal be submitted to the qualified electors of said county for ratification or rejection at said general election, and further duly ordered that said proposal should be forthwith published ten times in the San Bernardino Daily Sun, a daily newspaper of general circulation, printed, published and circulated in said county, and in said proposal, said proposed amendment was set forth in full at length, and was and is in the words and figures hereinafter set forth; and.

WHEREAS, thereafter, said proposal was duly published in full at length in said newspaper for ten times, and on the following dates, to-wit: September 27th, 28th, 29th, 30th, October 1st, 2nd, 3rd, 4th, 5th and 6th, 1922, and as often during said time as said newspaper was regularly published; and said general election at which said proposal was submitted to the vote of the qualified electors of said county was not less than thirty days nor more than sixty days after the publication of said proposal; and,

WHEREAS, immediately subsequent to said publication, said Board of Supervisors duly prescribed the form and title to be printed on the general election ballot to be used at said general election for the submission of said proposal, which said form and title is hereinafter set forth, and in which said form and under which said title, said proposal appeared on said ballots; and,

WHEREAS, subsequent to said publication and at least twenty-five days prior to November 7th, 1922, the County Clerk of said County duly filed in his office a notice of election, among other things, and in addition to all other matters required by law, stated that said proposal would be submitted to the qualified electors of said county at said general election held November 7th, 1922, and said clerk, immediately after filing said statement, as aforesaid, also caused a copy of said notice to be posted in a prominent place in his office, and on said notice, said proposal appeared in the form and by the title so prescribed by said Supervisors and in the form and by the title said proposal appeared upon said ballot; and

WHEREAS, at said general election, said proposal was duly submitted to the vote of the qualified electors of said

Certificate. county, and appeared on the general ballot at said election in the following form, to-wit:

CHARTER AMENDMENT
COUNTY OF SAN BERNARDINO
CHARTER AMENDMENT NUMBER THREE OF SAN
BERNARDINO COUNTY.

Shall the Charter of the County of San Bernardino be amended by the addition of two new sections to article two thereof to be known as Sections 5a and 5b—and to read as follows:

Section 5a. The salary of the Sheriff shall be and is hereby fixed at Thirty-six hundred dollars per annum.

Section 5b. Section 5a hercof shall take effect and be in force and the salary fixed shall be effective from and after twelve o'clock noon on the 8th day of January, 1923.

All provisions of said Article II of said Charter in conflict with the foregoing Sections are hereby repealed.

And opposite said proposal to be voted upon, and to the right thereof, and on separate lines, were printed the words "YES" and "NO", with voting squares thereafter and in addition thereto, said ballot contained all other matters and things required by law to be stated thereon, and said ballot in all respects duly complied with law; and said proposal was duly and regularly submitted to said qualified electors in strict compliance with law, and after full compliance with each and every provision of law relating to the amendment of county charters; and,

WHEREAS, the County Clerk of said San Bernardino County mailed a printed copy of said proposed Amendment enclosed in an envelope with a sample ballot, to each qualified elector within said County of San Bernardino, at least ten days prior to the said 7th day of November, 1922; and,

WHEREAS, the returns of said general election held in the County of San Bernardino on the said 7th day of November, 1922, at which election said proposal was submitted to the vote of the qualified electors of said County, were made to and canvassed by the Board of Supervisors of said County of San Bernardino, and it appeared therefrom and was so declared by the Board of Supervisors, 8725 votes were cast in favor of said proposal and that 7117 votes were cast against said proposal and it appeared therefrom that a majority of the qualified electors of the County of San Bernardino voting thereon, at such general election, voted in favor of the said proposal and said proposed amendment, and said Board of Supervisors thereupon ordered and declared that said proposed amendment was ratified; and,

WHEREAS, said Amendment so ratified by the electors of the County of San Bernardino, at said general election held on November 7th, 1922, is now submitted to the Legislature of the State of California, for approval or rejection, as a whole, without power of alteration or amendment, in accord-

ance with the provisions of Section 7½ of Article XI of the Constitution of the State of California; now

THEREFORE, the undersigned, A. G. Kendall, Chairman of the Board of Supervisors of the County of San Bernardino, State of California, and Harry L. Allison, County Clerk and ex-Officio Clerk of the Board of Supervisors, San Bernardino County, State of California, authenticating their signatures with the official seal of said Board of Supervisors, do hereby certify that said Amendment to said charter of said county, so ratified by the majority of the electors voting thereon at said general election held on the 7th day of November, 1922, as submitted to said electors is in the words and figures as follows, and is and shall, if so approved by said Legislature be in the words and figures following, to wit:

CHARTER AMENDMENT NUMBER THREE.

“That Article II of the said Charter of the County of San Bernardino, as filed in the office of the Secretary of State, and as said Charter now exists, be amended by adding two new sections thereto, to be known as Sections 5a and 5b, to read as follows:

Section 5a. The salary of the Sheriff shall be and is hereby fixed at Thirty-six Hundred dollars per annum.

Section 5b. Section 5a hereof shall take effect and be in force and the salary fixed shall be effective from and after twelve o'clock noon on the 8th day of January, 1923.

All provisions of said charter in conflict with the foregoing sections are hereby repealed.”

And we further certify hereby that the facts set forth in the preamble of this certificate preceding said amendment to said charter are and each of them is true.

And, for and on behalf of said County of San Bernardino, we, being hereinbefore duly authorized, do hereby request the legislature of the State of California, to approve said amendment to said charter as a whole, and to take such other and further steps and proceedings as may be necessary to perfect such approval.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the official seal of said Board of Supervisors of San Bernardino County, State of California, this 18th day of December, 1922.

[SEAL.]

A. G. KENDALL,

Chairman of the Board of Supervisors of San Bernardino County, State of California.

Attest: HARRY L. ALLISON,
County Clerk and Ex-Officio Clerk of the Board of Supervisors, San Bernardino County, State of California.

WHEREAS, Certain proposed amendments to the charter of the county of San Bernardino have been submitted to the legislature of the State of California for approval or rejection

Approval by
legislature.

as a whole without power of alteration or amendment in accordance with the provisions of section seven and one half, of article eleven, of the constitution of the State of California, which charter amendments have been duly ratified by the qualified electors of the county of San Bernardino as herein set forth, now therefore be it

Resolved by the senate of the State of California, the assembly concurring, a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein, That said amendments to the charter of the county of San Bernardino as proposed, adopted and ratified by the electors of said county of San Bernardino and as heretofore set forth being the same is hereby approved as a whole without amendment or alteration and as amendments to and a part of the charter of the county of San Bernardino.

CHAPTER 6.

Senate Concurrent Resolution No. 4—Approving a new charter for the city of Santa Rosa, in the county of Sonoma, State of California, ratified by the qualified electors of said city of Santa Rosa, at a special municipal election held therein on Tuesday, November 7, 1922.

[Filed with Secretary of State January 29, 1923.]

WHEREAS, The city of Santa Rosa, in the county of Sonoma, State of California, now is, and was at all times herein referred to, a city containing a population of more than three thousand five hundred inhabitants, as ascertained by the last preceding census; and

WHEREAS, Said city of Santa Rosa, at all times herein mentioned, was and now is organized and existing under a freholders' charter adopted under and in accordance with the provisions of section eight, article eleven, of the constitution of the State of California, which charter was duly ratified by a majority of the qualified voters of said city at a special election held for that purpose on the thirteenth day of September, 1904, and approved, ratified and adopted by the legislature of the State of California, on the third day of September, 1905, and as amended by amendments duly adopted and ratified by a majority of the qualified electors of said city on the fourth day of April, 1916, and approved by the legislature of the State of California on the twenty-seventh day of January, 1917, and by further amendments duly adopted and ratified by a majority of the qualified electors of said city on the fourth day of January, 1921, and approved by the legislature of the State of California, on the twenty-fourth day of January, 1921; and

WHEREAS, Proceedings have been had for the proposal, ratification and adoption of a new charter for said city of

Santa Rosa, as set out in the certificate of the mayor and city clerk of said city of Santa Rosa, as follows, to-wit:

CITY OF SANTA ROSA, }
 County of Sonoma, } ss.
 State of California, }

We, the undersigned, Lawrence A. Pressley, Mayor of the Certificate.
 City of Santa Rosa, County of Sonoma, State of California,
 and Vida McL. Doggett, City Clerk of said City, do hereby
 certify and declare as follows:

That the City of Santa Rosa, in the County of Sonoma,
 State of California, now is, and was at all times herein
 referred to, a City containing a population of more than three
 thousand five hundred inhabitants as ascertained by the last
 preceding census taken under the authority of the Congress
 of the United States; and

That said City of Santa Rosa is now, and was at all of
 the times herein mentioned, organized and existing under a
 freeholders' charter adopted under the provisions of Section
 Eight, Article Eleven, of the Constitution of the State of
 California, which charter was duly ratified by a majority of
 the qualified voters of said City at a special election held for
 that purpose on the 13th day of September, 1904, and
 approved, ratified and adopted by the Legislature of the
 State of California on the third day of September, 1905, and
 as amended by amendments duly adopted and ratified by a
 majority of the qualified electors of said City on the fourth
 day of April, 1916, and approved by the Legislature of the
 State of California on the twenty-seventh day of January,
 1917, and by further amendments duly adopted and ratified
 by a majority of the qualified electors of said City on the
 fourth day of January, 1921, and approved by the Legis-
 lature of the State of California, on the twenty-fourth day of
 January, 1921; and,

That pursuant to the provisions of Section Eight, Article
 Eleven, of the Constitution of the State of California, the City
 Council of the said City of Santa Rosa, said City Council being
 then and there the legislative body of said City, did by a two-
 thirds vote of all its members, pass an ordinance calling a
 special election to be held on the fourth day of April, 1922, for
 choosing a board of fifteen freeholders to frame, prepare and
 propose a new charter, for said City of Santa Rosa; that at
 said election held on said day a board of fifteen freeholders,
 duly qualified, was elected by the qualified electors of said City
 to frame, prepare and propose a new charter for said City of
 Santa Rosa; and,

That said board of freeholders did, within one hundred and
 twenty days after the result of said election was declared, and
 an extension thereof of sixty days duly consented to by the
 said City Council of said City, duly prepare and propose a new
 charter for said City, together with two alternative proposi-
 tions thereto relating to rates for the service of public utilities

Certificate.

owned and operated by said City; and did, on the first day of September, 1922, file said proposed new charter with said alternative propositions thereto, with the City Clerk of said City of Santa Rosa; and did before the filing of said proposed new charter with said alternative propositions thereto, fix and designate thereon, Tuesday the seventh day of November, 1922, as the date for submitting said proposed new charter with said alternative propositions thereto, to the electors of said City of Santa Rosa; and that said proposed new charter with said alternative propositions thereto, and said designation for the date of the submission thereof to the electors of said City of Santa Rosa, were duly signed, by a majority of the members of said board of freeholders, and,

That the legislative body of said City of Santa Rosa did, within fifteen days after said filing, cause said proposed new charter with said alternative propositions thereto, to be published once, to-wit: on the 7th day of September, 1922, in the Santa Rosa Republican, the official paper of said City of Santa Rosa, and a newspaper of general circulation printed and published in said City; and did, within said fifteen days, after said filing, cause copies of said proposed new charter with said alternative propositions thereto, to be printed in convenient pamphlet form and, until the date fixed for the election upon said proposed new charter with said alternative propositions thereto, advertise in said Santa Rosa Republican, the official newspaper of said City of Santa Rosa, and a newspaper of general circulation printed and published in said City, a notice that said copies of said proposed new charter, with said alternative propositions thereto, could be had at the office of said City Clerk of said City of Santa Rosa, upon the application thereof; and,

That said proposed new charter with said alternative propositions thereto was, not less than sixty days from the completion of the publication thereof, and on the date fixed by said board of freeholders, to-wit; upon Tuesday the seventh day of November, 1922, duly and regularly submitted to the electors of said City of Santa Rosa, at a special election duly called and held on said day in said City of Santa Rosa, and,

That at said special election, held as aforesaid on Tuesday the seventh day of November, 1922, a majority of the qualified voters of said City of Santa Rosa, voting thereon, voted in favor of said proposed new charter and duly ratified the same; that at said special election a majority of the qualified voters of said City of Santa Rosa, voting thereon, voted in favor of said alternative proposition Number One to said charter, relating to rates of service for public utilities owned and operated by said City, and duly ratified the same; and at said special election a majority of the qualified voters of said City of Santa Rosa voting thereon voted against said alternative proposition Number Two to said new charter relating to rates of service for public utilities owned and operated by said City, and duly rejected the same; and,

That the legislative body of said City of Santa Rosa after duly and regularly canvassing the returns of said special election at the time and in the manner and form prescribed by law, duly found, determined, and declared that a majority of the qualified electors of said City of Santa Rosa, voting thereon, had voted in favor of and ratified said proposed new charter; that a majority of the qualified electors of said City of Santa Rosa, voting thereon, had voted in favor of and ratified said alternative proposition Number One to said proposed new charter, relating to rates of service for public utilities owned and operated by said City; and that a majority of the qualified electors of said City of Santa Rosa, voted thereon had voted against and rejected said alternative proposition Number Two to said proposed new charter, relating to rates of service for public utilities owned and operated by said City; and,

That said proposed new charter and the said alternative propositions thereto, relating to rates of service for public utilities owned and operated by said City are in words and figures as follows; to-wit: Santa Rosa
city charter.

“PROPOSED NEW CHARTER FOR THE CITY OF SANTA ROSA.”

SECTION 1. *Name.* The municipal corporation now existing and known as the City of Santa Rosa remain and continue to be a body politic and corporate as at present, in name, in fact, and in law. Name.

Sec. 2. *Boundaries.* The boundaries and corporate limits of the City of Santa Rosa shall be as follows, to-wit: Beginning at a point three-fourths of a mile due north of the northwest corner of Fourth and C or Mendocino streets in said city; thence running due east three-fourths of a mile; thence due south one and one-half miles; thence due west to the westerly line of the Northwestern Pacific Railroad right of way; thence along the westerly line of said railroad right of way to the north bank of Santa Rosa creek; thence westerly, following the meanderings of the north bank of said creek, to the westerly line of a tract of land known as the Hewitt Addition to the City of Santa Rosa; thence along the westerly line of said Hewitt's addition and the land formerly owned by Dr. J. F. Boyce to the center of the county road known as the Redwood or Laguna road; thence due north to a point due west of the point of beginning; thence due east to the point of beginning, all situate in Sonoma County, California; provided said boundaries may be changed pursuant to the provisions of the general laws of the State for the annexation or exclusion of territory or the consolidation of municipalities. Boundaries.

Sec. 3. *Powers.* Said city, by and through its council and other officials, shall have and may exercise all powers necessary or appropriate to a municipal corporation and the general welfare of its inhabitants which are not prohibited by the constitution and which it would be competent for this charter to set forth particularly or specifically, and the specifications herein Powers.

of any particular powers shall not be held to be exclusive or any limitation of this general grant of powers.

City
council.

Sec. 4. *The Council.* The legislative body of said city shall consist of five persons elected at large to be known as the Council. They shall not receive any compensation for their services, except, that when sitting as a Board of Equalization, each member shall receive compensation at the rate of \$5.00 per day or fraction thereof. The members of the Council shall hold office for four years and until their successors are elected and qualified; provided however, the members of the present Council shall hold office for the remainder of the terms for which they were elected, and two new members shall be elected at the municipal election to be held in April, 1924. In the meantime the council shall consist of seven members with the Mayor as an ex-officio member and presiding officer thereof, and said officials shall exercise their respective powers and duties as herein provided. From and after the first Tuesday in April, 1924, the terms of the councilmen shall alternate so that three members or two members, as the case may be, shall be elected every two years. In case of a tie vote the same shall be decided by lot.

No person shall be eligible to hold office as a member of the Council, unless such person be an elector of said city and shall have been a resident thereof for one year next preceding the date of election to such office.

Meetings of
council.

Sec. 5. *Meetings.* The Council shall meet on Thursday next succeeding the day of each general municipal election at eight o'clock p. m. and canvass the returns. The new members shall then be inducted into office, whereupon the Council as thus newly constituted shall choose one of their number President, who shall be ex-officio Mayor and executive head of the city. The Council shall also choose one of their number to serve as Vice-President, who shall act as Mayor pro tempore in case of the absence, sickness or other disability of the Mayor. They shall hold their respective offices subject to the pleasure of the council. The regular meetings of the Council shall be held on the first and third Tuesday of each month, but any regular meeting may be adjourned to a date certain, which adjourned meeting shall be a regular meeting for all purposes. Special meetings may be called by the Mayor or three councilmen at any time by written notice delivered personally to each member at least three hours before the time specified for the meeting. All meetings of the Council shall be public and shall be held within the corporate limits of the city. The Council shall adopt rules for conducting their proceedings.

Quorum.

Sec. 6. *Quorum.* A majority of the Council shall constitute a quorum for the transaction of any business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

The affirmative vote of a majority of the council shall be necessary to adopt any ordinances, resolutions or claims, against

the city, which vote shall be taken by ayes and nays and entered upon the record.

Sec. 7. *Ordinances.* All proposed ordinances introduced in the council shall be in printed or typewritten form. The enacting clause of all ordinances shall be as follows: "The people of the City of Santa Rosa do enact as follows." No ordinance shall be passed by the Council on the day of its introduction, nor within five days thereafter, nor at any time other than a regular meeting. A proposed ordinance may be amended or modified between the time of its introduction and the time of its final passage, providing its general scope and original purpose are retained. All ordinances shall be signed by the Mayor, attested by the City Clerk, and be published at least once in a newspaper of general circulation before becoming effective. Provided, any ordinance declared by the Council to be necessary as an emergency measure for preserving the public peace, health or safety, and containing the reasons for its urgency, may be introduced and passed at one and the same meeting and, if passed by a four-fifths vote, shall become effective immediately. Ordinances.

Section 8. *Officers.* The elective officers of the city shall be the members of the Council, a City Treasurer and the members of the Board of Education. The appointive officers shall be a Mayor, a City Manager, a City Clerk, a City Engineer, a City Auditor and ex-officio Assessor, a City Attorney, a City Recorder, a Health Officer, a Chief of Police, a Chief of the Fire Department, and such others as are herein provided for. City officers.

All appointees shall hold their respective offices or employment subject to the pleasure of the appointing power.

Sec. 9. *Official Bonds.* The council shall determine which officers shall give bonds for the faithful performance of their official duties, and fix the amounts thereof. Each of such officers, before entering upon the duties of his office, shall execute a bond to the city in the penal sum required, which bond shall include any other offices of which he may be ex-officio incumbent. Said bonds shall be approved by the Council and filed with the Clerk. Official bonds.

Sec. 10. *Oath of Office.* Every officer shall take and subscribe to the constitutional oath of office before entering upon the performance of his official duties. Oath of office.

Section 11. *Mayor.* The Mayor shall be the executive head of the city. In case of riot, insurrection or extraordinary emergencies he shall assume general control of the city government and all of its branches, and shall be responsible for the suppression of disorders and the restoration of normal conditions. In the name and on behalf of the city he shall sign all contracts, deeds, bonds and other legal instruments in which the city is a party. He shall represent the city at all ceremonial functions of a social or patriotic character when it is desirable or appropriate to have the city represented officially thereat. He shall not receive any compensation for his services. Mayor.

City
manager.

Sec. 12. *City Manager.* There shall be a City Manager appointed by the Council, who shall be the administrative head of the city government. It shall not be necessary that he be a resident of the city at the time of his appointment. His powers and duties shall be as follows:

- (a) To see that all ordinances are enforced.
- (b) To appoint, except as otherwise provided, all heads of departments, subordinate officials and employees, and remove the same, except as otherwise herein provided, and have general supervision and control over the same.
- (c) To exercise general supervision over all privately owned public utilities operating within the city so far as the same are subject to municipal control.
- (d) To see that the provisions of all franchises, permits and privileges granted by the city are fully observed, and report to the Council any violations thereof.
- (e) To act as purchasing agent for the city, except for the Board of Education and Board of Public Utilities, unless requested by said boards.
- (f) To attend all meetings of the Council unless excused therefrom by the Council or the Mayor.
- (g) To examine or cause to be examined, without notice, the conduct of any officer or employee of the city.
- (h) To keep the Council advised as to the needs of the city.
- (i) To devote his entire time to the interests of the city.
- (j) To have general supervision over all the public parks and playgrounds of the city.
- (k) To appoint such advisory boards as he may deem desirable to advise and assist him in his work, provided such boards shall not receive any compensation.

City clerk
and tax
collector.

Sec. 13. *City Clerk and Tax Collector.* There shall be a City Clerk appointed by the Council. He shall also be ex-officio Tax and License Collector.

As City Clerk he shall keep a record of the proceedings of the Council, also of the Board of Equalization. He shall keep a book marked "City Ordinances" in which he shall affix printed copies of all ordinances, with his certificate as to passage and publication of the same. He shall have power to administer oaths and affirmations, take affidavits and certify to same. He shall have charge of the seal of the city.

As Tax and License Collector, he shall collect all taxes and licenses, in time, form and manner as prescribed by ordinance.

City engineer
and street
superintendent.

Sec. 14. *City Engineer and Street Superintendent.* There shall be a City Engineer appointed by the City Manager. He shall also be ex-officio Street Superintendent. It shall not be necessary that he be a resident of the city at the time of his appointment.

As City Engineer he shall be the custodian of, and responsible for, all maps, plans, profiles, field notes and other records and memoranda belonging to the city, pertaining to his office and the work thereof, all of which he shall keep in proper order and condition, with full indices thereof, and shall turn the

same over to his successor who shall give him duplicate receipts therefor, one of which he shall file with the City Clerk. All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him or under his direction or control during his term of office shall be the property of the city. He shall have charge of the City Water Works, subject to the general supervision and control of the Board of Public Utilities as provided in Section 24, also supervision over all public work relating to the grading, paving, cleaning, lighting, watering and repairing of streets, the building of sewers and the disposal of sewage, garbage and rubbish, also all other matters of an engineering character. He shall at the time of his appointment have been a practicing civil engineer for a period of at least three years next preceding. All other things being equal, an engineer who has had special training or experience in municipal engineering shall be appointed to this office if practicable.

As Street Superintendent, he shall perform such duties as may be prescribed, now or hereafter, by ordinance or general laws of the State.

Sec. 15. *City Treasurer.* There shall be a City Treasurer elected every four years at the general municipal election. It shall be his duty to receive and safely keep all moneys and securities belonging to the city and coming into his hands, and pay out the same only on warrants signed by the proper officers and not otherwise. He shall hold office for four years and until his successor is elected and qualified. City
Treasurer.

Whenever authorized by the constitution, the Council or the people may, by ordinance, abolish the office of City Treasurer and provide for a City Depository, for receiving, safekeeping and paying out the funds of the city. In such case a bank may be appointed City Depository.

Sec. 16. *Auditor and Assessor.* There shall be a City Auditor appointed by the Council. He shall also be ex-officio Assessor. Auditor and
Assessor.

As Auditor he shall be the general accountant of the city. He shall retain and preserve in his office, all accounts, books, vouchers, documents and papers relating to the acts and contracts of the city, its debts, revenues and other financial affairs.

He shall keep an account of all moneys paid into and out of the treasury, and shall approve all demands. He shall always know the exact condition of the treasury.

He shall approve no demand unless the same has been allowed by the Council, board or other authority directed by the charter to act thereon.

Every demand approved by him shall specify on its face the several items composing it and the amounts and the dates thereof; they shall be numbered and acted upon in the order of presentation. He shall satisfy himself whether the money be legally due and out of what fund payable. If approved he shall endorse thereon the word "allowed."

Except as otherwise provided by this charter or by law, no money shall be drawn from the treasury unless in consequence of appropriations made by the council and upon demands duly drawn by the Auditor. No warrant shall be drawn except upon an unexhausted fund.

It shall be the duty of the City Assessor, as soon after the first Monday of March each year as practicable, to make a full, true and correct assessment of all taxable property within the city owned or possessed by any person, board or corporation at 12 o'clock noon on the first Monday in March of each year. He shall make out lists, giving the names of owners and a description and value of the property, following the form as near as may be as required by the laws of the State governing county assessors; provided, that in preparation for the first assessment after this charter takes effect, and at intervals of five years thereafter the Council shall, at or before its first meeting in February, provide for a scientific appraisal by an expert of all real property in the city including improvements. Such appraisal shall be made as of twelve o'clock noon of the first day of March, and shall be used by the Assessor as the basis of assessment, for taxation purposes, subject to his appropriate revision annually for the intervening years. Whenever such expert appraisal is to be made, the Council may, under agreement with the County Board of Supervisors, provide by resolution for a joint appraisal for the use of the city and the county; in which case such resolution shall authorize payment by the city of not more than one-half of the total expense of such joint appraisal.

City
attorney.

Sec. 17. *City Attorney.* There shall be a City Attorney appointed by the Council. He shall be an attorney-at-law admitted to the bar of the Supreme Court of this State, and one who has been in actual practice in the State for at least three years next preceding. All other things being equal, an attorney who has had special training or experience in municipal corporation law shall be appointed to this office if practicable. The City Attorney shall be legal advisor of the Council and all other city officials. He shall draft all ordinances, resolutions, contracts or other legal documents or proceedings required by the Council, or other officials, except as may be otherwise provided. He shall prosecute all violators of city ordinances and represent the city in all legal proceedings. He shall attend all meetings of the Council unless excused therefrom by the Council or the Mayor.

Recorder.

Sec. 18. *Recorder.* There shall be a City Recorder appointed by the Council. He shall be judge of the Recorder's Court.

The City Recorder shall have the same civil and criminal jurisdictions as are now or may hereafter be conferred on justices of the peace, and all general laws relating to procedure and practice in justices' courts shall be applicable to the Recorder's Court. Such Recorder's Court shall have jurisdiction, concurrent with justice's courts, of all actions and proceedings, civil and criminal, arising within the cor-

porate limits of the city, and shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty, or forfeiture prescribed for the breach of any ordinance of said city, and of all prosecutions for the violation of any ordinance. He shall have all the powers and perform the duties of a magistrate and may administer and certify oaths and affirmations and take and certify acknowledgments. All fines, fees and costs collected by him shall be paid into the city treasury monthly. He shall make such periodical reports as the Council may require. Any person holding the office of justice of the peace may, at the same time, hold the office of Recorder.

Sec. 19. *Health Officer.* There shall be a Health Officer appointed by the City Manager. He shall be a person who has been licensed to practice medicine in the State of California or who has received special training in public health work. He shall exercise general supervision over the health and cleanliness of the city, and take all necessary measures for the preservation and promotion thereof. He shall enforce all laws, ordinances, and regulations relative to the preservation and improvement of the public health, including those provided for the prevention of disease, the suppression of unsanitary conditions, and the inspection and supervision of the production, transportation, storage and sale of food stuffs.

Sec. 20. *Chief of Police.* There shall be a Chief of Police appointed by the City Manager. He shall be at the head of the police department of the city, and shall have all the powers that are now or may hereafter be conferred upon sheriffs and other peace officers by the laws of the State. It shall be his duty to preserve the public peace, and to suppress riots, tumults and disturbances. His orders shall be promptly executed by the police officers, or watchmen of the city, and every citizen shall lend him aid when requested for the arrest of offenders, the maintenance of public order or the protection of life and property.

He shall execute and return all process issued to him by legal authority. He shall have authority, and it is hereby made his duty, to arrest persons violating any law of the State or ordinance of the city. Those arrested for violating city ordinances may, before or after trial, be confined in the county jail of Sonoma County or in the city prison of the city. He shall have such other powers and duties appertaining to his office as may be prescribed by the Council or rules of the police department. He shall appoint and remove all subordinates in the department, make rules and regulations for the management of the department and prescribe tests and examinations for persons in the department, all in accordance with the provisions of this charter, and subject to the approval of the City Manager.

Sec. 21. *Chief of the Fire Department.* There shall be a Fire Chief appointed by the City Manager. He shall be head of the fire department of the city, and shall have charge and supervision over all matters relating to the prevention and extinction of fires, and of all measures necessary to guard and

protect all property impaired thereby. During the time of a fire he shall have supreme authority over the territory involved therein, and all persons in the immediate vicinity of the fire during such time, including policemen, shall be subject to his orders. He shall appoint and remove all subordinates in the department and make rules and regulations for the government thereof, subject to the approval of the City Manager.

Pensions.

Sec. 22. *Pensions.* No pensions of any kind or character shall be awarded or paid to any active or retired city official, employce, or member of the police or fire department, unless provided for by an initiative ordinance adopted by the electors of the city.

School department.

Sec. 23. *School Department.*

(a) The school system of the City of Santa Rosa shall include kindergartens, primary, grammar and high schools, and such evening schools, parental schools, junior high schools, intermediate schools, junior colleges and other schools as are established, or may hereafter be established, by the Board of Education of said city, in the City of Santa Rosa School District, under the constitution and general school laws of the State of California.

(b) The boundaries of the City of Santa Rosa School District shall be the boundaries now established for the City of Santa Rosa, or that may be hereafter established for said city, and including all territory heretofore annexed to said city for school purposes; provided, that nothing herein contained shall be construed as prohibiting, or in any wise affecting the annexation, for school purposes, of additional outside territory to said City of Santa Rosa School District, in accordance with the general school laws of the State of California.

Board of education.

(c) The government of the City of Santa Rosa School District shall be vested in a Board of Education composed of five persons, who shall be elected at large by the electors qualified to vote at the municipal election at which any member of the Board of Education of said City of Santa Rosa School District is to be voted for, at the same time and in the same manner as the municipal officers of said city, and each of said persons shall have been for at least two years immediately next preceding the election, a resident of the district or territory entitled to participate in said election. They shall serve for a term of four years, and until their successor's are elected and qualified; provided that their terms shall alternate so that two members or three members, as the case may be, shall be elected every two years: and provided further, that those elected and allotted under and in pursuance of the provisions of the preceding charter shall continue to hold office under this charter for the respective terms for which they were so elected and allotted. Any vacancy in the board shall be filled by the vote of a majority of the board until the next general city election for municipal officers, when a member shall be elected to fill the unexpired term. In the event that three or more vacancies exist in said board at one time, then the County Superintendent of Schools, shall, by appointment, fill all vacancies

therein necessary to give said board three members qualified to act. Such appointees shall hold office for the same length of time as appointees of the board.

(d) The powers and duties of the Board of Education shall be such as are now, or may hereafter be conferred upon and enjoined of Boards of Education in city school districts by the laws of the State of California.

The members of the Board of Education shall serve without compensation.

Sec. 24. *Public Utilities.* There shall be a Board of Public Utilities of three members, consisting of the City Manager and two persons appointed by the Mayor. The Board of Public Utilities shall have control of the construction, operation and maintenance of all public utilities now or hereafter owned and operated by the city, and of the funds derived therefrom. Of the two appointed members, one, if practicable, shall be a civil engineer having some knowledge of municipal utilities. The appointed members shall hold office for four years and until their successors are appointed and qualified, provided that of the first appointees hereunder one shall be appointed for two years and the other for four years, respectively, subject, however, to removal as provided in Section 8. They shall serve without compensation.

The City Clerk shall serve as clerk of the board, without any additional compensation or the right to vote. He shall keep a record of the board's proceedings.

The treasurer shall keep the funds of each utility separate. Any funds exceeding fifteen per cent (15 per cent) of the book value of any utility may be invested in State, county, or municipal bonds, or be transferred to the general fund of the city.

The books of each utility shall be kept in accordance with the State regulations governing the accounting of public utilities, and a report in detail shall be made to the council monthly.

The Board of Public Utilities shall control the generation, purchase, distribution and sale of electric energy, water, gas, and any other utility owned, operated or distributed by the city and subject to the approval of the Council, may lease or rent any property connected with or appurtenant to any utility and fix the rental charges thereof.

Sec. 26. *Public Library.* The free public library of the city shall be managed under and in accordance with the provisions of the general laws of the State relating to free public libraries.

Sec. 27. *Social Service.* There shall be a board of Social Service appointed by the City Manager, which shall have charge of all matters relating to the care and relief of the needy. Said board may establish and maintain an employment bureau, day nursery and similar institutions. It shall consist of as many members as the manager may deem advisable. They shall serve without compensation.

Said board, if authorized by ordinance of the Council, may establish a Public Health Center for maintaining clinics and furnishing medical treatment and advice for persons unable to pay for same, also for educating the public in preventive medicine.

The Council may contribute annually such an amount of money to social service work as it deems advisable, but contributions of money or property for such work may be solicited and accepted from other sources.

The Board of Social Service shall render an annual report of its activities to the Council.

Accountant.

Sec. 28. *Expert Accountant.* The Council shall employ a certified public accountant annually to investigate the transactions and accounts of all officers or employees having the collection, custody or disbursement of public money or property, or the power to approve, allow or audit demands on the treasury.

Compensation.

Section 29. *Compensation.* The Council shall, by ordinance, fix the compensation of all officers, deputies and assistants appointed by the Council or Mayor, except those appointed by the City Manager, who shall fix the compensation of the deputies, assistants and employees of all officers appointed by him; subject, however, to the approval of the Council.

Deputies.

Section 30. *Deputies.* All elective officers, or officers appointed by the Council or Mayor, shall have the power to appoint their own deputies when the same are necessary, subject however to confirmation by the Council.

City elections.

Sec. 31. *Elections.* General municipal elections shall be held in the city on the first Tuesday of April in each even-numbered year, under and pursuant to the provisions of the general laws governing elections in cities of the 5th and 6th class, so far as the same may be applicable, and except as herein otherwise provided.

At least twenty days before the day of election each candidate for an elective office, including candidates for members of the Board of Education, shall file with the City Clerk a statement containing the following information in the order herein set forth: (a) his name; (b) the office for which he is a candidate; (c) his present residence and occupation; (d) the various kinds of business or employment he has been engaged in during the past five years and where, also the positions of importance and trust which he may have held in connection therewith; (e) the civic improvement or other organizations which he has been a member of within the past five years and the positions of honor or trust which he may have held therein; (f) the public offices he ever held, if any, as principal, deputy, or employee; (g) the experience, training, or education he has received which, in his opinion, would qualify him to fill the office for which he is a candidate; (h) the length of time he has been a taxpayer in the city; (i) the principal public improvements or betterments which he would

urge the accomplishment of if elected; (j) the names of not more than fifteen residents who know something of his character and abilities; (k) any other information which, in his opinion, would enable the electors to determine his qualifications for said office, provided that none of the responses to any of the foregoing requirements shall exceed one hundred words in length.

Said statement shall be verified, and be accompanied by a photograph of the candidate taken within two years last past. Each candidate shall be required to pay a fee of fifteen dollars to defray the expense of a photo engraving from said photograph and the publication of said statement. In case he furnishes a suitable photo engraving made within two years last past, the fee aforementioned shall be ten dollars.

The City Clerk shall publish the statements of each candidate so filed, with the candidate's photo engraving annexed thereto, in one or more newspapers of the city, for five days prior to the day of election.

Sec. 32. *Vacancies.* A vacancy in any elective office, from whatever cause arising, shall be filled by appointment by the Council, such appointee to hold office until the next general municipal election, when a successor shall be chosen by the electors for the unexpired term; provided, that if the Council fails to agree or for any other reason does not fill such vacancy within thirty days after the same occurs, then such vacancy shall be filled by the mayor, provided, however, that if for any reason the seats of a majority of the Council shall become vacant, then the City Clerk shall call a special election at once to fill the vacancies for the unexpired terms, and the same shall be conducted substantially in the manner provided for general municipal elections.

If any officer of the city shall remove from the city or absent himself therefrom for more than thirty days consecutively without the permission of the Council, or shall fail to qualify, or shall resign or be convicted of a felony, or be adjudged insane, his office shall thereupon become vacant.

Sec. 33. *Contract Work.* In the erection, improvement and repair of all public buildings and works, in all street and sewer work, or in or about embankments or other works for protection against overflow, and in furnishing any supplies or materials for the same, when the expenditure required for the same shall exceed the sum of five hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after notice by publication in the official newspaper;

Provided, that the Council may reject any and all bids presented and may re-advertise, in their discretion, and

Provided further, that after rejecting bids the Council may declare and determine by a four-fifths vote of all its members that in its opinion the work in question may be more economically or satisfactorily performed by day labor, or the materials or supplies purchased at a lower price in the open market, and after the adoption of a resolution to this effect, they may pro-

ceed to have the same done in the manner stated without further observance of the foregoing provisions of this section: and

Provided further, that in case of a great public calamity, such as an extraordinary fire, flood, storm, epidemic or other disaster, the Council may, by resolution passed by a vote of four-fifths of all its members, declare and determine that public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property, and thereupon may proceed to expend or enter into a contract involving the expenditure of any sum required in such emergency.

In the employment of labor by contract or day work, preference shall be given so far as practicable to local people as against non-residents, insofar as the same is not in conflict with the constitution or general laws.

Public
improvements
and
street work.

Sec. 34. *Public Improvements and Street Work.* All public improvements, including the improving, widening or opening of streets or highways may be done under and in pursuance of the general laws of the State or procedure ordinances adopted by the Council or the electors, and the whole or any portion of the cost thereof paid out of the city treasury or assessed on the property benefited.

Franchises.

Sec. 35. *Franchises.* Every franchise or privilege to construct, maintain, or operate any railroad, or other means of transportation in or over any street or highway, or to lay pipes or conduits, or erect poles or wires or other structures in or across any street or highway for the transmission of gas, electricity, or other commodity, or for the use of public property or places now or hereafter belonging to the city, shall be granted under and in pursuance of the provisions of the general laws of the State relating to the granting of franchises; provided, no franchise or the renewal of an existing franchise shall be granted except upon condition that at least two per cent (2 per cent) of the gross annual receipts derived from the use of such franchise shall be paid to the city.

Every such franchise shall require the grantee thereof to agree to a joint use of its property to others, wherever practicable, and nothing herein shall be construed as prohibiting the Council from requiring other conditions not inconsistent with the constitution or general laws. No franchise or privilege so granted shall be sold, leased, assigned, or otherwise alienated without the express consent of the Council given by ordinance and subject to the referendum.

Interest of
officers or
employees
in contracts.

Sec. 36. *Illegal Contracts.* No member of the Council, or of any board, and no officer or employee of the city shall be or become directly or indirectly interested in any contract, work or business, or in the sale of any article, the expense, price or consideration of which is payable from the city treasury, nor receive any gratuity or advantage from any contract or person furnishing labor or material for the same. Any contract with the city in which any such officer or employee is or becomes interested may be declared void by the council.

No officer or employee of the city shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at a higher price or rate than that proposed by any other bidder, or favor one bidder over another, giving or withholding information, or wilfully mislead any bidder in regard to the character of the materials or supplies called for, or knowingly accept materials or supplies of a quality inferior to that called for by the contract, or knowingly certify to a greater amount of labor performed than has actually been performed, or to the receipt of a greater amount of material or supplies than has actually been received.

Any officer or employee violating any of the foregoing provisions of this section shall be guilty of a misdemeanor and be automatically expelled from his office or employment.

If at any time it shall be found that the person, firm or corporation to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties, then the contract so awarded, shall, if the city so elect, be null and void and the contractor and his bondsmen shall be liable to the city for all loss or damage which the city may suffer thereby. In that event the Council may advertise anew for bids for said work or supplies.

Sec. 37. *Budget.* Not later than thirty days before the time for fixing the annual tax levy, the Manager shall submit to the Council an estimate of the expenditures and revenues of the city departments for the ensuing year. This estimate shall be compiled from detailed information obtained from the several departments on uniform blanks to be furnished by the manager. The classification of the estimate of expenditures shall be as nearly uniform as possible for the main functional divisions of all departments, and shall give in parallel columns the following information:

(a) A detailed estimate of the expense of conducting each department as submitted by the department.

(b) Expenditures for corresponding items for the last two fiscal years.

(c) Expenditures for corresponding items for the current fiscal year, including adjustments due to transfers between appropriations plus an estimate of expenditures necessary to complete the current fiscal year.

(d) Amount of supplies and material on hand at the date of the preparation of the invoice.

(e) Increase or decrease of requests compared with the corresponding appropriations for the current year.

(f) Such other information as is required by the council or that the manager may deem advisable to submit.

(g) The recommendation of the manager as to the amounts to be appropriated with reasons therefor in such detail as the Council may direct.

Sufficient copies of such estimate shall be prepared and submitted, that there may be copies on file in the office of the Council for inspection by the public, unless the Council shall publish the same in a newspaper.

After duly considering the estimate and preparing the budget, the Council shall pass an ordinance levying the annual tax.

Fiscal year.

Sec. 38. *Fiscal Year.* The fiscal year shall begin with the first day of July and end with the last day of June of each year.

Taxation.

Sec. 39. *Taxation.* Except as otherwise herein provided, the Council, by ordinances, shall provide a system for the assessment, levy, collection and equalization of taxes, which, as near as may be, shall conform to the system provided by the general laws of the State; provided that all sales for delinquent taxes shall be made to the City of Santa Rosa. All taxes assessed, together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed, and every tax on personal property shall be a lien upon the real property of the owner thereof.

The Council shall meet at its usual place of meeting on or before the first day of August of each year and sit as a Board of Equalization. Said board shall continue in session from day to day until its labors are completed. Notice of the day, hour and place of such meeting shall be given by publication at least three (3) times in one or more newspapers published and circulated in the city.

Said board shall have the power to hear complaints and to correct, modify or strike out any assessment made by the Assessor; and may, of his own motion, raise any assessment after notice to the owner of the property. The tax list so corrected shall constitute the assessment roll upon which taxes shall be levied for the current year. Should the Council fail to fix the tax rate within the time prescribed, then the tax rate of the previous year shall constitute the rate for the current year.

Limit on tax levy.

Sec. 40. *Dollar Limit.* The amount of the annual tax levy, exclusive of the tax to pay the interest on and maintain the sinking funds of any bonded indebtedness of the city, and exclusive of the tax to pay for the maintenance and improvement of the parks, squares and public grounds of the city, shall not exceed the rate of one dollar on each hundred dollars valuation of the property assessed; provided, the foregoing limitation shall not apply in the event of any great necessity or emergency, in which case it may be temporarily suspended. No increase over the dollar limit shall be made in any fiscal year, unless such increase be authorized by ordinance adopted by vote of the people or passed by a four-fifths vote of the whole Council. The character of such necessity or emergency shall be recited in the ordinance authorizing such increase.

Fiscal management.

Section 41. *Fiscal Management.* All claims against the city shall be submitted on blanks prepared by the Auditor and approved by the City Manager. No contract, the expense of the execution of which is not provided by law or ordinance to be paid by assessments upon the property to be benefited, shall

be binding or of any force unless the Auditor shall endorse thereon his certificate that there remains unexpended and unapplied a balance of the appropriation or fund applicable thereto sufficient to pay the estimated expenses of executing such contract as estimated by the board or officer making the same. The Auditor shall make such endorsement upon every such contract if there remain unapplied and unexpended such amounts so specified, and thereafter he shall hold and retain such sum to pay the expenses incurred until the contract shall be fully performed.

Sec. 42. *Payments to Treasurer Daily.* All moneys collected for the city by any officer or department thereof shall be paid into the treasury daily. Payments to treasurer.

Sec. 43. *Reports on Fees and Commissions.* Every officer authorized to charge a fee, commission or percentage by way of compensation shall make a written report to the Auditor monthly of all moneys so received by him. Reports on fees, etc.

Sec. 44. *Payment of Salaries.* All demands for salaries which are fixed by law, ordinance or this charter and payable out of the treasury, shall be allowed by the Auditor without specific approval by the Council. Any person, firm or corporation may attach the salary or wages of any city official or employee for money justly due. Payment of salaries.

Sec. 45. *Surplus Return to General Fund.* At the close of each fiscal year, if all demands against each fund have been paid or satisfied, and all disputed or contested demands fully settled, the treasurer shall transfer all such surplus moneys to the general fund, except moneys provided for interest or sinking funds or other particular purposes. Transfer of surplus to general fund.

Sec. 46. *Surplus Bond Money.* All moneys derived from the sale of bonds, including premiums and accrued interest, shall be applied only to the purposes for which the bonds were voted. After such purposes have been fully completed and paid for, any remaining surplus shall be transferred to the bond interest and redemption fund. Use of bond money.

Sec. 47. *Approving Illegal Claims.* Every officer who shall wilfully approve, allow or pay any demand on the treasury not authorized by law, shall be liable to the city individually and on his official bond for the amount of the demand so approved, allowed or paid, and shall forfeit such office and be forever disbarred and disqualified from holding any position in the service of the city. Approval of illegal claims.

Sec. 48. *Counting the Money.* The Mayor, the Auditor and the City Manager shall together count the money in the treasury at least once every three months, and see if the amount on hand tallies with the amount that should be in said treasury as shown by the books of the city. Thereupon they shall make a written report thereof to the Council at its first regular meeting thereafter. Count of money.

Sec. 49. *Initiative, Referendum and Recall.* Ordinances may be initiated, or the referendum exercised on ordinances passed by the Council under and in accordance with the con- Initiative, referendum and recall.

stitution and general laws of the State, and any elective officer may be recalled from office under and in pursuance of the provisions of the constitution and general laws; provided, therefore, that petitions for exercising the initiative, referendum or recall shall not be circulated, but shall be deposited for signatures in not less than three public places in the city to be designated by the Council. Notice of the deposit of such petitions shall be given by publication three or more times in one or more newspapers published and circulated in the city. In case an officer be recalled, the office held by him shall be deemed vacant and shall be filled by appointment by the Council as in the case of any other vacancy. The Council shall, by ordinance, provide the detailed procedure for carrying out the provisions of this section.

Petitions.

Sec. 50. *Petitions.* No person shall have the right to withdraw his name from any petition addressed to the Council after the same has been filed with the City Clerk.

Official newspaper.

Sec. 51. *Newspaper Advertising and Printing.* The Council shall advertise annually for the submission of sealed proposals or bids from all newspapers of general circulation in the city, for the publication of all ordinances and other legal notices required to be published. The newspaper to whom such contract is awarded shall be known and designated as the Official Newspaper. The rates for publishing public notices shall not exceed the customary rates charged for publishing legal notices of a private character.

Printed supplies

The Council shall also advertise annually for sealed proposals or bids for printing and furnishing all letterheads, stationery, tax bills, account books and other printed matter likely to be required during the fiscal year.

Contracts for advertising or printing, as the case may be, shall be awarded to the lowest responsible bidder, provided no contract for advertising shall be awarded to any newspaper except a daily newspaper of general circulation, as that term is defined by Section 4460, of the Political Code.

Duties of officers.

Sec. 52. *Additional Duties of Officers.* Besides the duties herein specified, all officers and boards shall perform such other appropriate duties as may be prescribed by ordinance or the general laws.

General laws applicable.

Sec. 53. *General Laws Applicable.* All general laws of the State applicable to municipal corporations, now or hereafter enacted, and which are not in conflict with the provisions of this charter or with ordinances or resolutions hereafter enacted, shall be applicable to the city; provided, the Council shall have the power to pass ordinances which in relation to municipal affairs shall control as against the general laws of the State.

Official records.

Sec. 54. *Official Records.* All books and records of every office and department shall be open to the inspection of any citizen during business hours, subject to the proper rules and regulations for the efficient conduct of the business of such department or office; but the records of the police department

shall not be subject to such inspection except by permission of the proper police authorities.

Copies or extracts, duly certified, from said books and records open for inspection, shall be given by the officer having the same in custody to any person demanding the same and paying or tendering ten cents per folio of one hundred words for such copies or extracts, and the additional sum of twenty-five cents for certifying.

All officers and boards shall deliver to their successors all papers, books, documents, records, archives and other properties pertaining to their respective offices or departments, in their possession or under their control.

Sec. 55. *Interference With or By Manager.* No councilman shall in any manner attempt to influence the City Manager in the making of any appointment or in the purchase of supplies. A violation of this provision shall work a forfeiture of the office of the councilman. Interference with or by manager

Neither the City Manager, nor any person in the employ of the city shall take any active part in securing, or shall contribute money toward the nomination or election of any candidate for a municipal office.

Sec. 56. *No Gratuities to Officials.* No officer or employe shall accept any donation or gratuity in money, or other thing of value, either directly or indirectly from any subordinate or employe, or from any one under his charge, or from any candidate or applicant for any position as employe or subordinate in any department of the city. Gifts to officers and employes.

Sec. 57. *Vacations.* All officers and regular employes of the city, after serving at least one year, shall be entitled to two weeks vacation annually. Such vacation shall be at such time as the executive head of the department in which such officer or employe may be serving shall direct and shall be without loss of pay. Vacations.

Sec. 58. *Continuing Officers and Employes.* Until the election or appointment and induction into office of the officers and employes in this charter provided for, the present officers and employes shall without interruption, continue to perform the duties of their respective offices and employments for the compensation provided by the preceding charter or existing ordinances or laws, except that the Mayor and Council from and after the date that this charter becomes effective, shall receive no compensation. Continuing officers and employes.

Sec. 59. *Continuing Ordinances in Force.* All lawful ordinances, resolutions, and regulations in force at the time this charter shall take effect, and not inconsistent with its provisions, are hereby continued in force until the same shall have been duly amended, repealed or superseded. Ordinances to continue in force.

Sec. 60. *Continuing Contracts in Force.* All vested rights of the city shall continue and shall not in any manner be affected by the adoption of this charter, nor shall any right, liability, pending suit or prosecution, either in behalf of or against the city, be affected by the adoption of this charter. All con- Vested rights, contracts, etc., not affected.

tracts entered into by the city prior to the taking effect of this charter shall continue in full force and effect. All public work begun prior to the taking effect of this charter shall be continued and perfected hereunder.

When
charter
effective.

SEC. 61. *When Charter Effective.* Except as otherwise herein provided, this charter will go into full force and effect upon its adoption by the people and approval by the Legislature; and the Council then in office shall, within sixty days after said approval, appoint a City Manager as herein provided.

All elective officers in office at the time this charter becomes effective shall hold office until the expiration of the terms for which they shall have been elected, and perform the duties of their respective offices in accordance with the provisions of this charter.

The Assessor in office at the time this Charter becomes effective shall perform the duties of Auditor and ex-officio Assessor, as herein proscribed.

IN WITNESS WHEREOF, we have hereunto set our hands and seals the 28th day of August, 1922. Signed:

JOHN RINNER
MRS. EMMA M. KOPF
R. M. BARRETT
WILLIAM F. KETTERLIN
WALTER F. PRICE
S. T. SANGER
CHARLES A. WRIGHT
A. C. BACIGALUPI
C. D. BARNETT
MRS. JENNIE E. READING
MAX ROSENBERG
H. M. FORSYTH
D. P. ANDERSON
H. W. A. WESKE
FRANK P. DOYLE

CERTIFICATE.

Certificate.

WHEREAS, the City of Santa Rosa, for many years last past has been and now is a city containing a population of more than three thousand five hundred inhabitants, as ascertained by the last preceding census taken under authority of the Congress of the United States; and

WHEREAS, on the 4th day of April, 1922, at an election duly held in said city, under and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the electors of said city did duly choose and elect John Rinner, D. P. Anderson, Al Bacigalupi, C. D. Barnett, Roe M. Barrett, Frank P. Doyle, H. M. Forsyth, Wm. F. Ketterlin, Mrs. Emma Kopf, Walter F. Price, Mrs. Jennie Reading, Max Rosenberg, S. T. Sanger, H. W. A. Weske and Charles A. Wright, who were all electors of said city and eligible as candidates under said section, a board of

fifteen freeholders to prepare a charter for the government of said city; and

WHEREAS, in pursuance of the provisions of said constitution and within the period of one hundred and twenty days, and sixty additional days granted by the legislative body of said city, after the result of said election was declared the Board of Freeholders has prepared and does now propose the foregoing as and for the charter of said City of Santa Rosa; and

WHEREAS, in addition to the foregoing charter, the Board of Freeholders, pursuant to said provisions of the constitution, also present, with said charter, for the choice of the voters, and to be voted upon separately, without prejudice to the other provisions and sections of said charter, two alternative propositions, herein stated and designated as "Alternative Proposition No. 1." and "Alternative Proposition No. 2," one only of which shall become a part of said charter; said alternative propositions being in words and figures as follows:

ALTERNATIVE PROPOSITION NUMBER ONE.

Section 25. *Water Rates.* The Board of Public Utilities shall provide for furnishing water in a reasonable quantity free for domestic quantity use, but there shall be no free water for other than domestic use.

ALTERNATIVE PROPOSITION NUMBER TWO.

Section 25. *Utility Rates.* For each utility owned and operated by the city, the Board of Public Utilities shall establish from time to time, such rates for service as will provide for the expenses of operation, maintenance, extension, depreciation, insurance and reserve for losses, besides funds to pay the principal and interest on all outstanding bonds issued and sold for the construction of such utility or extension thereof, after which all losses or profits from such utility shall be debited or credited to the general fund, as the case may be.

NOW THEREFORE BE IT KNOWN, voters shall be entitled to vote for or against the charter, and also for one of the two alternative propositions, and the respective alternative proposition receiving the greatest number of votes shall be thereby adopted and become Section 25 of said charter.

BE IT FURTHER KNOWN, that the said Board of Freeholders hereby requests the legislative body of said city to cause publication of the said proposed charter, as provided in Section 8 of Article XI of said Constitution, and fixes Tuesday, the 7th day of November, 1922, as the date at which the proposed charter, and the alternative propositions shall be submitted to the qualified electors of the City of Santa Rosa for their ratification and adoption; and if a majority of the qualified electors of said city, voting at said election, shall ratify said charter, it shall be submitted to the legislature of the State of California for its approval or rejection;

AND, if the Legislature of the State of California approve said charter, it shall thereupon become the charter and organic law of the City of Santa Rosa, except as herein provided.

IN WITNESS WHEREOF, we, the duly elected, qualified and undersigned freeholders of the City of Santa Rosa, County of Sonoma, State of California, have hereunto set our hands this 28th day of August, 1922.

Signed:

JOHN RINNER, President.
 MRS. EMMA M. KOPF
 R. M. BARRETT
 WILLIAM F. KETTERLIN
 WALTER F. PRICE
 S. T. SANGER
 CHARLES A. WRIGHT
 A. C. BACIGALUPI
 H. W. A. WESKE
 C. D. BARNETT
 MRS. JENNIE E. READING
 MAX ROSENBERG
 H. M. FORSYTH
 D. P. ANDERSON
 FRANK P. DOYLE

Freeholders of the City of Santa Rosa, State of California.

That the foregoing is a full, true and correct copy of said proposed new charter, with said two alternative propositions thereto, relating to rates of service for public utilities owned and operated by said City, on file in the office of the City Clerk of said City of Santa Rosa.

IN WITNESS WHEREOF, LAWRENCE A. PRESSLEY, Mayor as aforesaid, and VIDA McL. DOGGETT, City Clerk as aforesaid, have hereunto set their hands and caused the corporate seal of the City of Santa Rosa to be hereunto duly affixed on this day of January, 1923.

[SEAL]

LAWRENCE A. PRESSLEY,
 Mayor of the City of Santa Rosa.
 VIDA McL. DOGGETT,
 City Clerk of the City of Santa Rosa.

and

Approval by
 legislature.

WHEREAS, Said charter with alternative proposition number one thereto, relating to rates of service for public utilities owned and operated by said city, has been submitted to the legislature of the State of California for approval or rejection without alteration or amendment, in accordance with section eight, article eleven, of the constitution of the State of California; now, therefore, be it

Resolved by the senate of the State of California, the assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said proposed new charter, with alternative proposition number one thereto, relating to rates of service for public utilities owned and operated by said city, as presented to, adopted and

ratified by the qualified electors of said city of Santa Rosa and as hereinabove fully set forth, he and the same is hereby approved as a whole as the charter for the government of the city of Santa Rosa.

CHAPTER 7.

Senate Concurrent Resolution No. 5—Approving the charter of the city of Stockton, State of California, voted for and ratified by the qualified electors of the said city at a special municipal election held therein for that purpose on the twenty-eighth day of November, 1922.

[Filed with Secretary of State January 29, 1923.]

WHEREAS, The city of Stockton, in the county of San Joaquin, State of California, now is, and was at all times herein referred to, a city containing a population of more than three thousand five hundred inhabitants, as ascertained by the last preceding census, taken under the authority of the congress of the United States; and Stockton
city charter.

WHEREAS, Said city of Stockton at all times herein mentioned was, and now is, organized and existing under a freeholders' charter, adopted under and in accordance with the provisions of section eight, article eleven, of the constitution of the State of California, which charter was duly adopted and ratified by a majority of the qualified electors of said city on the seventeenth day of October, 1911, and approved by the legislature of the State of California on the twentieth day of December, 1911; and

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of a new charter of said city of Stockton, as set out in the certificate of the mayor and city clerk of said city of Stockton.

City of Stockton, }
County of San Joaquin, } ss.
State of California, }

We, the undersigned, D. P. EICKE, Mayor of the City of Stockton, and A. L. BANKS, City Clerk of said City, do hereby certify and declare as follows:

That the City of Stockton, a municipal corporation of the County of San Joaquin, State of California, now is and at all times herein referred to was a city containing a population of more than three thousand five hundred inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States; Certificate.

That at a special municipal election held for that purpose in said city on the 2nd day of May, 1922, under and in accordance with the laws and the provisions of Section Eight, Article Eleven, of the Constitution of the State of California, a Board of fifteen Freeholders, duly qualified, was elected in

Certificate.

and by said city by the qualified electors thereof to prepare and propose a charter for the government of said city;

That said Board of Freeholders did, within ninety days after the result of said election was declared, duly prepare and propose a charter for the government of said City of Stockton;

That said charter was, on the first day of September, 1922, signed by more than a majority, to-wit, fourteen of the members of said Board, and was, on the 5th day of September, 1922, filed in the office of the Clerk of the City Council, the legislative body of said city; and the legislative body of said city, to-wit, the said City Council, within fifteen days after such filing, caused such charter to be published once in "Stockton Daily Independent", a newspaper of general circulation in said City of Stockton; and did within said fifteen after said filing, cause notice of said proposed new charter to be printed in convenient pamphlet form and until the date fixed for the election upon said proposed new charter, advertise in "Stockton Daily Evening Record", a newspaper of general circulation printed in said City of Stockton, a notice that copies of such charter might be had upon application therefor;

That said Board of Freeholders did, prior to the filing of said charter, fix Tuesday, the 28th day of November, 1922, as the day and date upon which said charter should be submitted to the electors of said city, which said Tuesday, the 28th day of November, 1922, was designated upon said charter as the day and date upon which an election should be held in said City of Stockton, at which election said proposed charter should be submitted to the electors of said city for ratification; that said proposed charter, and said designation for the date for the submission thereof to the qualified electors of the City of Stockton for ratification, was duly signed by more than a majority, to-wit, fourteen of the members of the Board of Freeholders;

That thereupon said City Council of the said City of Stockton duly caused said charter to be submitted to the electors of said City for ratification at a special election held on Tuesday, the 28th day of November, 1922; that said election was duly and regularly held on said Tuesday, the 28th day of November, 1922, and at said election a majority of the qualified electors voting thereon voted in favor of such proposed charter, and that said City Council of said City of Stockton, on the 2nd day of December, 1922, duly canvassed the results of said election and found, determined and declared that a majority of the electors voting thereon at said election had voted for and ratified said charter:

That said charter, after the same was prepared, proposed and ratified, as herein set forth, is as follows, to-wit:

CHARTER OF CITY OF STOCKTON.

ARTICLE I.

THE BOUNDARIES OF THE CITY OF STOCKTON.

SECTION 1. The boundaries of the City of Stockton are, and shall continue to be as the same is now fixed and determined, to wit: Boundaries.

Beginning at the point of intersecction of the south line of Alpine Street with the west line of California Street, said point being the northeast corner of lot numbered 33 in Block Numbered 1 of Northern Addition as said lot and block are so designated and delineated upon a Map or Plat entitled: "Northern Addition to the City of Stockton, Map "B" filed in the office of the County Recorder of San Joaquin County, State of California, on November 15th, 1895; thence southerly along said line of California Street to its point of intersecction with the north line of Block J of McCloud's Addition produced westerly, as said block is so designated and delineated upon that certain map entitled: "Supplement No. 2 to Map of McCloud's Addition to the City of Stockton," filed in the office of the County Recorder of San Joaquin County, State of California, August 14th, 1896; thence easterly in a direct line to the northeast corner of Lot Numbered 15 in said Block J; thence southerly in a direct line along the east boundary line of said supplement No. 2 to Map of McCloud's Addition to the City of Stockton and along the west boundary line of Cemetery Lane (a road) as the same is so designated and delineated upon that certain Map entitled: "Map of North Park Addition to the City of Stockton", filed in the office of the County Recorder of San Joaquin County, State of California, on September 26th, 1892 to its point of intersection with a line parallel to the south line of North Street and distant sixty and six tenths (60.6) feet northerly at right angles therefrom; thence easterly in a direct line parallel to said south line of North Street and distant sixty and six tenths (60.6) feet northerly at right angles therefrom to its point of intersection with the east line of East Street, as said streets are so designated and delineated upon the official Map of the City of Stockton, approved and adopted by the City Council on July 23rd, 1894; thence southerly along said east line of East Street to its point of intersecction with the south line of Linden Road (a county road); thence easterly along said south line of Linden Road to its point of intersecction with the east line of Fair Oaks North, as said tract is so designated and delineated upon a Map or Plat entitled: "Map of Fair Oaks North, Stockton, Cal.," filed in the office of the County Recorder of San Joaquin County, State of California, on May 17th, 1895; thence southerly along said east line of Fair Oaks North to its intersecction with the north line of Fair Oaks Tract Supplement No. 2, as the same is so designated and delineated upon a Map or Plat entitled: "Fair Oaks Tract Supplement No. 2", filed in the office of the County Recorder

Boundaries.

of San Joaquin County, State of California, on October 28th, 1892; thence westerly along the north line of said Fair Oaks Tract Supplement No. 2 to its intersection with the west line of Filbert Street; thence southerly along said west line of Filbert Street and said west line produced southerly to its point of intersection with the south line of Marsh Street, as said Filbert Street and Marsh Street are so designated and delineated upon said Map or Plat of Fair Oaks Tract Supplement No. 2; thence easterly along the south line of said Marsh Street to its intersection with the east line of Searchlight Addition to the City of Stockton produced northerly, as the same is so designated and delineated upon that certain Map or Plat entitled: "Searchlight Addition to the City of Stockton," filed in the office of the County Recorder of San Joaquin County, State of California, on September 23rd, 1895; thence southerly along said east line to the southeast corner of said Searchlight Addition; thence westerly in a direct line along the south line of said Searchlight Addition to its intersection with the east line of Villa Addition, as the same is so designated and delineated upon that certain Plat entitled: "Supplement to Plat of Villa Addition" filed in the office of the County Recorder of San Joaquin County, State of California, on December 30, 1891; thence southerly along said east line to its point of intersection with the north line of East Clay Street as the same is so designated and delineated upon the Plat of Villa Addition hereinabove referred to; thence westerly along said north line of East Clay Street to its point of intersection with the west line of said Villa Addition; thence southerly in a direct line along the west boundary of said Villa Addition and said line produced to its intersection with the north line of Mariposa Road (county road); thence westerly along said north line of Mariposa Road to its intersection with the east line of East Street, as said road and street are so designated and delineated upon the official Map of the City of Stockton approved and adopted by the City Council on July 23rd, 1894; thence southerly along said east line of East Street produced to its point of intersection with the south line of said Mariposa road; thence easterly along said south line of Mariposa Road to its intersection with the quarter section line running north and south through the center line of Section 33 of C. M. Weber Grant; thence southerly in a direct line along said quarter section line through Sections 33, 34 and 35 to its point of intersection with the south line of Ulrich Tract produced easterly as said tract is so designated and delineated upon a Map or Plat entitled: "Ulrich Tract" filed in the office of the County Recorder of San Joaquin County, State of California, on September 4th, 1912; thence westerly in a direct line along said south line of Ulrich Tract and said line produced to its point of intersection with the west line of Sharp's Lane (county road); thence southerly along said west line of Sharp's Lane to its point of intersection with the south line of Thirteenth Street as said Street is so designated and delineated upon that certain Plat entitled:

“Plat of Knights Addition to the City of Stockton” filed in the office of the County Recorder of San Joaquin County, State of California, on June 6th, 1870; thence westerly along said south line of Thirteenth Street to its point of intersection with the section line between sections 22 and 23 of C. M. Weber Grant; thence westerly along said section line to its point of intersection with the east line of McKinley Avenue (county road); thence northerly along said east line of McKinley Avenue to its point of intersection with the south boundary line of Moss Villa Tract produced easterly as said Tract is so designated and delineated upon that certain Map entitled: “Map of Moss Villa Tract, Being a Subdivision of a Portion of Lot A of San Joaquin County Survey No. 3404 in section 10 El Rancho del Campo de Los Franceses”, filed in the office of the County Recorder of San Joaquin County, State of California, on January 16th, 1920; thence westerly along said south line of Moss Villa Tract and said line produced westerly to its point of intersection with the east line of McDougald Canal; thence northerly along said east line of McDougald Canal to its point of intersection with the south line of South Street produced westerly; thence westerly in a direct line along said south line of South Street produced westerly to its intersection with the west line of Pershing Avenue, (formerly known as West Street) produced southerly, as said Street is so designated and delineated upon the aforementioned official Map of the City of Stockton; thence northerly along said west line of Pershing Avenue and said line produced to its point of intersection with the center line of Stockton Channel; thence westerly along said center line of Stockton Channel to its point of intersection with the west line of Buena Vista Avenue produced southerly as said Avenue is so designated and delineated upon that certain Map entitled: “Map of Subdivision No. 2, Stockton Acres, in Section 4, and 9, T. 1 N. R. 6 E., M. D. B. & M. and Section A El Rancho del Campo de los Franceses” filed in the office of the County Recorder of San Joaquin County, State of California, on May 6th, 1913; thence northerly along said west line of Buena Vista Avenue and said line produced to its point of intersection with the center line of Smith’s Canal; thence easterly along said center line of Smith’s Canal to its point of intersection with the west line of Pershing Avenue (formerly known as West Street) produced southerly as said street is so designated and delineated upon that certain Map or Plat entitled: “Subdivision No. 1, Tuxedo Country Club Villas” filed in the office of the County Recorder of San Joaquin County, State of California, on May 4th, 1915; thence northerly along said west line of Pershing Avenue and said line produced to its point of intersection with the north boundary line of said Country Club Villas, thence easterly in a direct line to the northwest corner of Subdivision No. 2, Tuxedo Park, as said subdivision is so designated and delineated on a Map or Plat entitled: “Subdivision No. 2, Tuxedo Park”, filed in the office of the County

Boundaries.

Recorder of San Joaquin County, State of California, on June 2nd, 1914; thence easterly along the north boundary line of said Subdivision No. 2 and said line produced to its point of intersection with the east line of Lower Sacramento Road (County road); thence northerly along said east line of Lower Sacramento Road to its point of intersection with the south line of Alpine Street (county road); thence easterly along said south line of Alpine Street to its point of intersection with the west line of California Street, the point of beginning.

ARTICLE II

POLITICAL SUBDIVISIONS OF THE CITY OF STOCKTON

Political
subdivisions.

SEC. 1. The City of Stockton shall be divided into nine political divisions which shall be known as districts and shall be more particularly described as follows, to-wit:

District
No. 1.

DISTRICT NO. I. Beginning at the point of intersection of the south line of Alpine Street with the west line of California Street, thence southerly along said west line of California Street to its point of intersection with the North line of Block J of McClouds Addition produced westerly, thence easterly in a direct line to the Northeast corner of lot numbered fifteen in said Block J, thence southerly in a direct line along the east boundary line of said McCloud's Addition and along the west boundary of Cemetery lane to its point of intersection with the center line of North Street, thence westerly in a direct line along the center line of North Street to its intersection with the west line of Pershing Avenue (formerly known as West Street), thence northerly along the west line of Pershing Avenue and said line produced to its point of intersection with the north boundary line of the Country Club Villas, thence easterly in a direct line to the northwest corner of Subdivision No. 2, Tuxedo Park, thence easterly along the north boundary line of said Subdivision No. 2, Tuxedo Park and said line produced to its point of intersection with the east line of the Lower Sacramento Road; thence northerly along said east line of Lower Sacramento Road to its point of intersection with the south line of Alpine Street; thence easterly along said south line of Alpine Street to its intersection with the west line of California Street, the point of beginning.

District
No. 2.

DISTRICT NO. II. Beginning at the point of intersection of the center line of North Street with the center line of Madison Street; thence southerly along the center line of Madison Street to its point of intersection with the center line of Acacia Street; thence westerly along the center line of Acacia Street to its intersection with the center line of Van Buren Street; thence southerly along the center line of Van Buren Street to its intersection with the center line of Oak Street; thence easterly along the center line of Oak Street to its intersection with the center line of Monroe Street; thence southerly along the center line of Monroe Street and said line produced to its point of intersection with the center line of

Stockton Channel; thence westerly along the center line of Stockton Channel to its point of intersection with the west line of Buena Vista Avenue produced southerly; thence northerly along said west line of Buena Vista Avenue and said line produced to its intersection with the center line of Smith's Canal; thence easterly along the center line of Smith's Canal to its point of intersection with the west line of Pershing Avenue (formerly known as West Street) produced northerly; thence southerly along said west line of Pershing Avenue to its point of intersection with the center line of North Street; thence easterly along said line of North Street to its intersection with the center line of Madison Street, the point of beginning.

DISTRICT NO. III. Beginning at the point of intersection of the center line of North Street with the center line of Madison Street; thence southerly along the center line of Madison Street to its intersection with the center line of Poplar Street; thence easterly along the center line of Poplar Street to its intersection with the center line of Center Street; thence southerly along the center line of Center Street to its intersection with the center line of Oak Street; thence easterly along the center line of Oak Street to its intersection with the center line of El Dorado Street; thence northerly along the center line of El Dorado Street to its point of intersection with the center line of Flora Street; thence easterly along the center line of Flora Street to its point of intersection with the center line of San Joaquin Street; thence southerly along the center line of San Joaquin Street to its point of intersection with the center line of Oak Street; thence easterly along the center line of Oak Street to its point of intersection with the center line of Sutter Street; thence northerly along the center line of Sutter Street to its point of intersection with the center line of Park Street; thence easterly along the center line of Park Street to its point of intersection with the center line of American Street; thence northerly along the center line of American Street to its point of intersection with the center line of Poplar Street; thence westerly along the center line of Poplar Street to its point of intersection with the center line of California Street; thence northerly along the center line of California Street to its point of intersection with the center line of North Street; thence westerly along the center line of North Street to the center line of Madison Street, the point of beginning.

District
No. 3.

DISTRICT NO. IV. Beginning at the point of intersection of the center line of California Street with the center line of North Street; thence easterly along the center line of North Street to its intersection with the west boundary of Cemetery Lane produced southerly; thence northerly along said west boundary of Cemetery Lane to its intersection with a line parallel to the south line of North Street and distant sixty and six tenths (60.6) feet northerly at right angles therefrom; thence easterly in a direct line parallel to said south line of North

District
No. 4.

Street and distant sixty and six tenths (60.6) feet northerly at right angles therefrom to its point of intersection with the east line of East Street; thence southerly along the east line of East Street to its point of intersection with the center line of Oak Street; thence westerly along the center line of Oak Street to its point of intersection with the center line of Pilgrim Street; thence southerly along the center line of Pilgrim Street to its point of intersection with the center line of Miner Avenue; thence westerly along the center line of Miner Avenue to its point of intersection with the center line of Union Street; thence southerly along the center line of Union Street to its point of intersection with the center line of Main Street; thence westerly along the center line of Main Street to its point of intersection with the center line of Stanislaus Street; thence northerly along the center line of Stanislaus Street to its point of intersection with the center line of Fremont Street; thence westerly along the center line of Fremont Street to its point of intersection with the center line of American Street; thence southerly along the center line of American Street to its point of intersection with the center line of Lindsay Street; thence westerly along the center line of Lindsay Street to its point of intersection with the center line of California Street; thence northerly along the center line of California Street to its point of intersection with the center line of Park Street; thence easterly along the center line of Park Street to its point of intersection with the center line of American Street; thence northerly along the center line of American Street to its point of intersection with the center line of Poplar Street; thence westerly along the center line of Poplar Street to its point of intersection with the center line of California Street; thence northerly along the center line of California Street to its point of intersection with the center line of North Street, the point of beginning.

District
No. 5.

DISTRICT NO. V. Beginning at the point of intersection of the center line of Main Street with the center line of Stanislaus Street; thence northerly along the center line of Stanislaus Street to its point of intersection with the center line of Fremont Street; thence westerly along the center line of Fremont Street to its point of intersection with the center line of American Street; thence southerly along the center line of American Street to its point of intersection with the center line of Lindsay Street; thence westerly along the center line of Lindsay Street to its point of intersection with the center line of California Street; thence northerly along the center line of California Street to its point of intersection with the center line of Park Street; thence westerly along the center line of Park Street to its intersection with the center line of Sutter Street; thence southerly along the center line of Sutter Street to its point of intersection with the center line of Oak Street; thence westerly along the center line of Oak Street to its point of intersection with the center line of San Joaquin Street; thence northerly along the center line

of San Joaquin Street to its point of intersection with the center line of Flora Street; thence westerly along the center line of Flora Street to its point of intersection with the center line of El Dorado Street; thence southerly along the center line of El Dorado Street to its point of intersection with the center line of Oak Street; thence westerly along the center line of Oak Street to its point of intersection with the center line of Center Street; thence northerly along the center line of Center Street to its point of intersection with the center line of Poplar Street; thence westerly along the center line of Poplar Street to its point of intersection with the center line of Madison Street; thence northerly along the center line of Madison Street to its point of intersection with the center line of Acacia Street; thence westerly along the center line of Acacia Street to its point of intersection with the center line of Van Buren Street; thence southerly along the center line of Van Buren Street to its point of intersection with the center line of Oak Street; thence easterly along the center line of Oak Street to its point of intersection with the center line of Monroe Street; thence southerly along the center line of Monroe Street and said line produced to its point of intersection with the center line of Stockton Channel; thence easterly along the center line of Stockton Channel and said line produced to its intersection with the center line of El Dorado Street; thence southerly along the center line of El Dorado Street to its point of intersection with the center line of Weber Avenue; thence easterly along the center line of Weber Avenue to its point of intersection with the center line of Sutter Street; thence southerly along the center line of Sutter Street to its point of intersection with the center line of Main Street; thence easterly along the center line of Main Street to its intersection with the center line of Stanislaus Street, the point of beginning.

DISTRICT NO. VI. Beginning at the point of intersection of the center line of Weber Avenue with the center line of Sutter Street; thence southerly along the center line of Sutter Street to its point of intersection with the center line of Hazelton Avenue; thence westerly along the center line of Hazelton Avenue to its point of intersection with the center line of Hunter Street; thence southerly along the center line of Hunter Street to its point of intersection with the center line of Sixth Street; thence westerly along the center line of Sixth Street to its point of intersection with the east line of McKinley Avenue; thence northerly along the east line of McKinley Avenue to its point of intersection with the south boundary line of Moss Villa Tract produced easterly; thence westerly along said south line of Moss Villa Tract and said line produced westerly to its point of intersection with the east line of McDougald Canal thence northerly along said east line of McDougald Canal to its point of intersection with the south line of South Street produced westerly; thence westerly in a direct line along said south line of South Street produced

District
No. 6.

District
No. 7.

westerly to its intersection with the west line of Pershing Avenue produced southerly; thence northerly along said west line of Pershing Avenue and said line produced to its point of intersection with the center line of Stockton channel; thence easterly along said center line of Stockton Channel and said line produced easterly to its point of intersection with the center line of El Dorado Street; thence southerly along the center line of El Dorado Street to its point of intersection with the center line of Weber Avenue; thence easterly along the center line of Weber Avenue to its point of intersection with the center line of Sutter Street, the point of beginning.

DISTRICT NO. VII. Beginning at the point of intersection of the center line of Main Street with the center line of Ophir Street; thence southerly along the center line of Ophir Street to its point of intersection with the center line of Lafayette Street; thence easterly along the center line of Lafayette Street to its point of intersection with the center line of East Street; thence southerly along the center line of East Street to its point of intersection with the center line of Jefferson Street; thence westerly along the center line of Jefferson Street to its point of intersection with the center line of Stanislaus Street; thence northerly along the center line of Stanislaus Street to its point of intersection with the center line of Taylor Street; thence westerly along the center line of Taylor Street to its point of intersection with the center line of Sutter Street; thence northerly along the center line of Sutter Street to its point of intersection with the center line of Main Street; thence easterly along the center line of Main Street to its point of intersection with the center line of Ophir Street, the point of the beginning.

District
No. 8.

DISTRICT NO. VIII. Beginning at the point of intersection with the south line of Linden Road with the east line of Fair Oaks North (an addition to the City of Stockton); thence southerly along said east line of Fair Oaks North to its intersection with the north line of Fair Oaks Tract, Supplement No. 2; thence westerly along the north line of said Fair Oaks Tract, Supplement No. 2 to its intersection with the west line of Filbert Street; thence southerly along said west line of Filbert Street and said line produced to its point of intersection with the south line of Marsh Street; thence easterly along the south line of said Marsh Street to its intersection with the east line of Searchlight Addition produced northerly; thence southerly along said east line of the southeast corner of said Searchlight Addition; thence westerly in a direct line along the south line of said Searchlight Addition to its intersection with the east line of Villa Addition; thence southerly along said east line to its point of intersection with the north line of East Clay Street; thence westerly along the north line of East Clay Street to its point of intersection with the west line of said Villa Addition; thence southerly along the west boundary of said Villa Addition and said line produced to its intersection with the north line of Mariposa Road; thence westerly

along said north line of Mariposa Road to its intersection with the center line of East Street; thence northerly along the center line of East Street to its point of intersection with the center line of Lafayette Street; thence westerly along the center line of Lafayette Street to its point of intersection with the center line of Ophir Street; thence northerly along the center line of Ophir Street to its point of intersection with the center line of Main Street; thence westerly along the center line of Main Street to its point of intersection with the center line of Union Street; thence northerly along the center line of Union Street to its point of intersection with the center line of Miner Avenue; thence easterly along the center line of Miner Avenue to its point of intersection with the center line of Pilgrim Street; thence northerly along the center line of Pilgrim Street to its point of intersection with the center line of Oak Street; thence easterly along the center line of Oak Street to its intersection with the east line of East Street; thence southerly along the east line of East Street to its intersection with the south line of Linden Road; thence easterly along the south line of Linden Road to its intersection with the east line of Fair Oaks North, the point of beginning.

DISTRICT NO. IX. Beginning at the point of intersection of the south line of the Mariposa Road with the quarter section line running north and south through the center line of section 33 of C. M. Weber Grant; thence southerly along said quarter section line through Sections 33, 34 and 35 to its point of intersection with the south line of Ulrich Tract produced easterly; thence westerly along said south line of Ulrich Tract and said line produced to its point of intersection with the west line of Sharps Lane; thence southerly along said west line of Sharps Lane to its point of intersection with the south line of Thirteenth Street; thence westerly along said south line of Thirteenth Street to its point of intersection with the section line between section 22 and 23 of C. M. Weber Grant; thence westerly along said section line to its point of intersection with the east line of McKinley Avenue; thence northerly along said east line of McKinley Avenue to its intersection with the center line of Sixth Street; thence easterly along the center line of Sixth Street to its intersection with the center line of Hunter Street; thence northerly along the center line of Hunter Street to its point of intersection with the center line of Hazelton Avenue; thence easterly along the center line of Hazelton Avenue to its point of intersection with the center line of Sutter Street; thence southerly along the center line of Sutter Street to its point of intersection with the center line of Taylor Street; thence easterly along the center line of Taylor Street to its point of intersection with the center line of Stanislaus Street; thence southerly along the center line of Stanislaus Street to its point of intersection with the center line of Jefferson Street; thence easterly along the center line of Jefferson Street to its point of intersection with the center line of East Street; thence southerly along the center line of

District
No. 9.

East Street to its point of intersection with the north line of South Street; thence easterly along said north line of South Street to its point of intersection with the east line of East Street; thence southerly along the east line of East Street to its point of intersection with the south line of Mariposa Road; thence easterly along the south line of Mariposa Road to its point of intersection with the quarter section line running north and south through the center of Section 33 of C. M. Weber Grant, the point of beginning.

SEC. 2. The council may redistrict the city into nine districts, making the same as nearly equal in population and as geographically compact as possible, but the city shall not be so redistricted within six months previous to any general municipal election; provided, however, that should any new territory be annexed to the city, such new territory shall be added to and made a part of the respective contiguous districts.

ARTICLE III.

POWERS OF THE CITY.

Name and General Grant of Powers.

Name and
general
powers.

SECTION 1. The City of Stockton, a municipal corporation, shall after the adoption of this charter, continue its existence as such municipal corporation, and under the corporate name, CITY OF STOCKTON, shall have, possess, and exercise all powers and rights vested in said City of Stockton under this charter and the laws of the state.

The City of Stockton shall have the right to make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this charter; provided that nothing herein shall be construed to prevent or restrict the city from exercising or consenting to, and the city is hereby authorized to exercise any and all rights, powers and privileges heretofore or hereafter granted or prescribed by the general laws of the state.

Successor to Former Government.

Successor
to former
government.

SEC. 2. The City of Stockton, as successor in interest of the municipal corporation of the same name, created and existing under previous charters shall have, exercise, and enjoy all the rights, immunities, powers, benefits, privileges, and franchises now possessed, owned, or held by it, and shall in every way succeed to and become the owner of all rights and all property of every kind and nature by said existing municipal corporation owned, controlled, possessed or claimed, and shall be subject to all the debts, duties, obligations, and liabilities of said city as a corporation not inconsistent with the provisions of this charter.

Enumeration of Powers.

Enumeration
of powers.

Without in any way or to any extent limiting or curtailing the powers heretofore conferred or mentioned, or other powers

held under the constitution and laws of the state, and for the purpose hereinafter expressly mentioned, the City of Stockton shall have the power:

SEC. 3. To have perpetual succession.

SEC. 4. To have and use a corporate seal.

SEC. 5. To sue and be sued in all courts and places and in all actions and proceedings whatever.

SEC. 6. To levy and collect taxes upon all property for all municipal purposes; to levy assessments upon property to pay for the improvement of streets and other public improvements, and to collect the same. Taxation.

SEC. 7. To borrow money for any of the purposes for which the city is authorized to provide and for carrying out any of the powers which the city is authorized to enjoy, and exercise, and to issue bonds therefor or without issuing bonds therefor; provided that, in the procedure for the creation and issuance of bonded indebtedness the general laws of the State of California in force at the time such proceedings are taken shall be observed and followed, and be applicable even though such laws may not enumerate the specific purpose the city has in view. Borrowing power.

SEC. 8. To acquire by purchase, condemnation or otherwise, within or without the city, such lands or other property as may be necessary for the establishment, maintenance, and operation of any public utility or to provide for and effectuate any other public purpose; and to sell, convey, encumber and dispose of the same for the common benefit. Property.

SEC. 9. To acquire by purchase, condemnation or otherwise, or to establish, maintain, equip, own and operate, or acquire or establish or maintain or equip or own, or operate telephone and telegraph systems, street railways, or other means of transportation, wharves and warehouses, free markets, water works, filtration plants, gas works, electric light, heat and power works, underground or overhead conduit systems, or any other works necessary to a public utility; to furnish the city or its inhabitants or persons without the city any public utility service or public utility commodity whatsoever, and to lease, sell, convey, and dispose of any and all property herein mentioned for the common benefit: to do the things and have the powers specified in this section (9) aforesaid within or without the territorial limits of the City of Stockton. Utilities.

SEC. 10. To acquire, by purchase, condemnation, or otherwise, and to establish, maintain, equip, own and operate libraries, reading rooms, art galleries, exhibition buildings, auditoriums, museums, schools, kindergartens, parks, playgrounds, places of recreation, fountains, baths, public toilets, markets, market houses, abattoirs, dispensaries, infirmaries, hospitals, charitable institutions, jails, houses of correction, farm schools, work houses, detention homes, morgues, cemeteries, crematories, garbage collection and garbage disposal and reduction works, street cleaning plants, street sprinkling plants, sewers, sewer outlets, sewer disposal plants, quarries, gravel pits, sand Libraries,
schools,
parks, etc.

pits, clay pits, wharves, docks, waterways, canals, municipal farms, public stadiums, civic centers, and all other public buildings, structures, works, apparatus, institutions and places, within or without the territorial limits of the City of Stockton which are necessary or convenient for the transaction of public business or for promoting health, morality, education, or welfare of the inhabitants of the city or for their amusement, recreation, entertainment, or benefit.

Railways.

SEC. 11. To acquire, construct, maintain and operate or acquire or construct, or maintain, or operate short or temporary railroad tracks, and also side tracks, turnouts, switches, spur tracks, yard tracks, industry tracks, warehouse tracks, and other similar railroad tracks which may be necessary or convenient and advisable from the public standpoint; provided, that nothing in this subdivision (11) contained authorizes tracks or service for solely private use or benefit.

Buy and sell gas, etc.

SEC. 12. To buy, and to sell to the inhabitants of the city, gas, electricity, heat, power, water, refrigeration, or any other similar product.

To receive gifts, etc.

SEC. 13. To receive bequests, gifts, and donations of all kinds of property, in fee simple, or in trust for charitable and other purposes, and do all acts necessary to carry out the purposes of such bequests, gifts, and donations, with power to manage, sell, lease, or otherwise dispose of the same in accordance with the terms of the bequest, gift, or trust, or absolutely in case such bequest, gift, or trust be unconditional.

Joint undertakings.

SEC. 14. To join with one or more cities, counties, or districts, incorporated under the constitution and laws of the state in the acquisition and maintenance of sewage disposal facilities and plants and in order to acquire and develop jointly a source or sources of water supply, light, refrigeration, heat and power, for any purpose or use within the powers of the City of Stockton and to construct the works necessary for their joint and several purposes and needs, and to unite with such cities, counties, or districts, in bond issues for the acquisition and installation of the same.

Property.

SEC. 15. To acquire by purchase, condemnation, or other legal means, property, both real and personal, including water and water rights, within or without the corporate limits, necessary or convenient for municipal purposes, or for the exercise of the powers granted to said city.

Zoning of city.

SEC. 16. To zone the city as relates to the use of property, the height and area of buildings, both within and without the industrial districts.

Entertainment, etc. fund.

SEC. 17. To provide a fund from which the expenses of public entertainment and advertising shall be met.

Drainage system.

SEC. 18. To adopt, establish and maintain a system of levees, canals and drainage and to construct and maintain the works necessary thereto either within or without the territorial limits of the city; and to repair, maintain, construct, and control all levees, canals, and other works necessary to the pro-

tection of the city either within or without the territorial limits of the city.

SEC. 19. To make contracts with the Federal or the State Government or any department or political subdivision of either, and with any swamp land, levee, reclamation or drainage district now or hereafter existing, or with any person or body, politic or corporate, providing for the construction of any work of reclamation or drainage, which in the judgment of the City Council will be of advantage to the City of Stockton in the matter of impounding, storing, carrying away and disposing of the flood waters; provided, however, that should the portion of the cost thereof to be defrayed by the City of Stockton, under the provisions of such proposed contract, exceed the sum of twenty thousand dollars (\$20,000), the general plan of such work shall first be submitted to and ratified by a vote of the electors of the city.

Contracts with U. S. or state.

SEC. 20. To contribute money to the Federal or the State Government or any department or political subdivision of either for the purpose of defraying the whole or a portion of the costs and expenses of work and improvement performed either within or without the territorial limits of the city by said Federal or State Government or department or political subdivision in improving rivers, streams, or sloughs, or constructing, repairing, or maintaining levees, canals, or other works, when such work and improvement will improve navigation, commerce, or flood protection within the city, or will otherwise promote the general welfare of the city or its inhabitants; provided, however, that should the amount of money to be so contributed exceed the sum of twenty thousand dollars (\$20,000), the general plan of the work and improvement to be made shall first be submitted to and ratified by a vote of the electors of the city.

Contributions to U. S. or state.

SEC. 21. To join with one or more persons, firms, or corporations, in order to acquire or develop jointly a source or sources of water supply, light, heat or power for municipal and domestic enterprises and to construct the works necessary therefor.

Joint undertakings.

SEC. 22. To make, adopt and enforce all necessary rules and regulations for the protection from fire, floods, riots, and to make and enforce all such local, police, sanitary and other regulations as are deemed expedient to maintain the public peace, protect property, promote the public morals, and preserve the health of the inhabitants of the city.

Police power.

SEC. 23. To exercise all municipal and police powers necessary to the complete and efficient management and control of municipal property, and for the efficient administration of the municipal government, whether such powers are herein expressly enumerated or not.

SEC. 24. To make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations in this charter.

ARTICLE IV.

THE CITY COUNCIL.

City council. SECTION 1. There is hereby created a City Council which shall be the governing body of the municipality. It shall exercise the corporate powers of the city and, subject to the expressed limitations of this charter, shall be vested with all powers of legislation in municipal affairs adequate to a complete system of local government consistent with the constitution of the state.

Officers of council. SEC. 2. The mayor shall be president of the council and shall preside at its meetings when present. The council shall elect one of its members to be vice-president, who shall preside at its meetings during the temporary absence or disability of the mayor. In case of the temporary absence or disability of both the mayor and vice-president, the council shall select one of its members to preside at its meetings during such absence or disability.

Selection of city manager. SEC. 3. The members of the first council elected hereunder shall have the power and it shall be their duty within five days after date of the certification of their election to qualify and organize for the sole purpose of selecting a city manager.

Meetings. SEC. 4. At eight p. m. on the second day of July following the first regular municipal election held under this charter, the council shall meet at the usual place for holding meetings of the legislative body of the city, at which time the newly elected council shall assume the duties of its office. Thereafter the council shall meet at such time and place as it may prescribe, except that said council shall meet in the evening not less than once each week. The council shall provide the manner in which special meetings may be called.

Sessions public. SEC. 5. All legislative sessions of the council, whether regular or special, shall be open to the public, and any citizen shall have access to the minutes and records thereof at all reasonable times.

Quorum. SEC. 6. A majority of the members of the council shall constitute a quorum for the transaction of business.

Rules. SEC. 7. The council shall establish rules for its proceedings, and may compel the attendance of its members at council meetings. Every member, when present, must vote upon all propositions.

Ordinances. SEC. 8. The council shall act only by ordinance or resolution.

SEC. 9. The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the council. Each proposed ordinance or resolution shall be introduced in written or printed form.

SEC. 10. No ordinance or resolution shall be placed or become effective without receiving the affirmative votes of at least five members of the council.

SEC. 11. Every ordinance, except an ordinance making appropriations, shall be confined to one subject, which shall

be clearly expressed in the title, and every ordinance making appropriations shall be confined to the subject of appropriations. If any subject shall be embraced in an ordinance, which shall not be expressed in its title, such ordinance shall be void only as to so much thereof as shall not be expressed in its title.

SEC. 12. The enacting clause of all ordinances passed by the council shall be in these words: "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STOCKTON AS FOLLOWS:"

SEC. 13. To constitute an ordinance a bill must before final action thereon be passed to print and published at least once in the official newspaper of the city, and, in case of any amendment being made thereto before the final adoption of the ordinance, must in like manner be republished as amended at least once.

SEC. 14. No action authorizing any specific improvement, unless the cost of such improvement be less than fifteen hundred dollars (\$1500) or involving or authorizing the appropriation or expenditure of public money, except in sums less than fifteen hundred dollars (\$1500), shall be taken otherwise than at a regular meeting or adjourned regular meeting of the council, nor unless as many as five full days shall have intervened after the day upon which the authorizing resolution or ordinance shall have been introduced for passage or adoption and before the day of the passage or adoption of such resolution or ordinance; provided, however, that in the presence of a great public calamity or distress, such as extraordinary fire, flood, epidemic, disease, or any other similar public calamity or distress, relief measures within the powers of the council may be taken forthwith.

SEC. 15. No action for the appropriation, acquisition, sale, or lease of public property, or levying any tax or assessment, or granting any franchise, or establishing or changing fire limits, or imposing any penalty shall be taken except by ordinance, provided that where the council takes action in pursuance of general laws of the state, it may proceed in any manner permitted or required by such laws.

Ordinances.

SEC. 16. Except as provided in the following section 17, no ordinance passed by the council shall go into effect before thirty days after the time of its final passage.

SEC. 17. The preceding section 16 shall not apply to ordinances making the annual tax levy, ordinances in proceedings under the general laws of the state for street work, or improvements or in any case where the procedure must be or is under such laws, nor to an ordinance for the immediate preservation of the public peace, health, or safety, which contains a statement of its urgency and is passed by a two-thirds vote of the council, but no ordinance making a grant, renewal or extension of a franchise or other special privilege or regulating the rate to be charged for its service by any public utility shall be construed as an urgency measure.

SEC. 18. When any bill is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken except at a meeting of the council held not less than one week after the meeting at which such motion was made.

SEC. 19. The mayor shall sign and the clerk shall attest all ordinances and resolutions duly passed by the council.

SEC. 20. No ordinance shall be revised, re-enacted or amended by reference to its title only; but the ordinance to be revised or re-enacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted in the method provided in this section for the adoption of ordinances.

SEC. 21. No ordinance or section thereof shall be repealed except by ordinance adopted in the manner provided in this article.

SEC. 22. A true and correct copy of all ordinances shall be kept and certified to by the city clerk in a book marked "City Ordinances." Such record copy, with such certificate, or the original ordinance, shall be prima facie evidence of the contents of the ordinance and of the due passage and publication of the same, and may, in the custody of the city clerk or his representative, be taken, within the limits of the city, into any court or for any legal proceeding.

SEC. 23. At least once in every two years the city clerk shall cause the publication in pamphlet form of all amendments to the charter and of all ordinances and amendments thereto, which shall have been adopted or enacted since the last similar publication. Said publication shall also include all franchises and contracts for the use of city property by public utilities privately owned.

SEC. 24. The council shall be the judge of the election and qualification of its members. Except as otherwise provided herein, the council shall determine its rules of procedure and keep a journal of its proceedings. It may punish or expel any member for disorderly conduct or violation of its rules. Neither the council nor any of its members or committees shall dictate or attempt to dictate either directly or indirectly the appointment of any person to office or employment by the city manager, or in any manner interfere with the city manager or prevent him from exercising his full judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manager, and neither the council nor any member thereof shall give orders to any of the subordinates of the city manager, either publicly or privately.

SEC. 25. The council shall select the city manager, city attorney, city treasurer, city clerk, city auditor, and such other officers and employees of its own body as may be deemed necessary. All officers and employees chosen by the council shall serve during its pleasure.

Selection
of city
officers, etc.

SEC. 26. The council or any committee thereof duly authorized by the Council to do so, may investigate the financial transactions of any office or department of the city government, and the official acts and conduct of any city employee. In conducting such investigation, the council or any committee thereof may compel the attendance of witnesses and the production of books, papers, and other evidence, and for that purpose may use subpoenas or attachments which shall be signed by the presiding officer of the council or the chairman of such committee as the case may be, which may be served and executed by an officer authorized by law to serve subpoenas and other processes. If the witness shall refuse to testify to any facts within his knowledge, or to produce any papers or books in his possession or in his control, relating to the matter under inquiry before the council or any committee, the council shall have the power to issue an order for the arrest of said witness and forthwith to have said witness brought before the police judge of the city to be punished for contempt of court according to law.

Investigations.

ARTICLE V.

THE POWERS OF THE CITY COUNCIL.

As the legislative body of the city, the council may, subject to the provisions and restrictions of this charter, have power:

Powers of council.

1. To continue the present corporate seal, or to provide a new corporate seal with appropriate device to be affixed to all instruments or writings needing authentication.

2. To prescribe fine, forfeitures, and penalties, for violation of any provision of this charter or of any ordinance or provision thereof.

3. To offer rewards not exceeding two hundred and fifty dollars (\$250) in any one instance for the apprehension and conviction of any person who may have committed a felony in the city and to authorize the payment thereof.

4. To organize and maintain police and fire departments, erecting necessary buildings and owning all implements and apparatus required therefor.

5. To establish and maintain a fire alarm and police alarm system and manage and control the same.

6. To regulate or prohibit the manufacture, sale, keeping, storing, and use of power, dynamite, gun cotton, nitroglycerine, fireworks, firecrackers, and other explosive articles, materials, and substances.

7. To regulate the storage of hay, straw, oil, gasoline, benzine, and other combustible or inflammable materials.

8. To regulate the use of steam engines, gas engines, steam boilers, electric motors and all other generators of light, heat, or power and to prohibit their use in such localities as in the judgment of the city council would endanger public health, safety, or comfort, and to provide for the examination and licensing of all persons engaged in operating the same.

Fire
regulations.

9. To prescribe fire limits and determine the character and height of buildings that may be erected therein, and the nature of the materials to be used in the construction, alteration, or repair of such buildings, or in the repair or alteration of existing buildings within such fire limits.

Building
regulations.

10. To regulate the construction of and the materials used in all buildings, chimneys, stacks, and other structures; to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks, or other structures and to provide for their summary abatement, destruction, or removal; to provide for the abatement, destruction, or removal of unsightly or partially destroyed buildings; to regulate the materials used in and the method of construction of foundations, and foundation walls, the manner of construction and location of drains, and sewers, the materials and methods used in wiring buildings or other structures for the use of electricity, and the materials and methods used for piping buildings or other structures for the purpose of supplying the same with water, gas, or electricity, or any other purpose for which pipes are used, and the manner of so doing; to regulate and prescribe all methods and manners used for the plumbing of all buildings; to prohibit the construction of buildings and structures which do not conform to such regulations.

Additional
fire
regulations.

11. To require the owners, lessees and occupants of buildings or other structures to place upon them or in them fire escapes and appliances for protection against fire, and for the extinguishment of fires.

12. To prevent the construction and to cause the removal of dangerous chimneys, fireplaces, hearths, stoves, stove pipes, ovens, boilers, apparatus and machinery used in any building or structure in the city; to regulate the carrying on of manufacturing liable to cause fire; to prevent the depositing of ashes, the accumulation of shavings, rubbish, or other combustible or explosive materials in unsafe places, and to make provisions to guard against fires.

Additional
building
regulations.

13. To regulate the location, number, size, construction, and lighting of the entrances to and the exits from all theaters, lecture rooms, halls, schools, churches, and other places for public gatherings of every kind, and to prevent the placing of seats, benches, chairs, or other obstructions in the hallways, aisles, or open places therein, and to regulate the size and position of aisles, open places, stairways, and exits in such theaters, lecture rooms, halls, schools, churches, and other places for public gatherings of any kind.

14. To regulate the location of workshops and factories, the size and positions of hallways, aisles, open places, stairways, elevators, entrances and exits in such shops and factories and to provide in any manner or particular for the safety of the occupants of the same.

Traffic
regulations.

15. To fix, alter, and change the route of any railroad in the city and to regulate the speed of railroad trains, engines, and cars, street, interurban and other railway cars in or pass-

ing through the city, and to regulate the speed with and the manner in which persons may ride, or drive or propel bicycles, automobiles, motorcycles, trucks, or other vehicles along or upon any of the streets or highways of the city and to regulate the speed of steam or motor boats while running along the waterfront of the city; to regulate the operation of airplanes over and in the city; to require persons, firms, or corporations operating street, interurban or other safety devices at street crossings, and to use bridges, viaducts, tunnels, or subways at street crossings and at railroad crossings as the city council may deem proper; to require street cars and local trains to be provided with fenders or other appliances for the better protection of the public; to prohibit the making up of railroad tracks on any of the streets, street crossings, or street intersections of the city, and to prohibit cars standing in any street, alley, or other public place within the city; to provide for the regulation of berth-landing, stationing and removing of steam boats, motor boats, sailing vessels, barges, rafts, and all other water craft; to regulate traffic of all kinds, on, over, and through public streets, alleys, lanes, or other public places in the city.

16. To regulate all public gatherings and meetings, parades, and processions in the streets and parks, and to determine what public meetings, gatherings, parades, or processions upon the streets or parks shall be unlawful and to declare the same nuisances.

To regulate or prohibit the exhibition, posting, or carrying of banners, placards, posters, cards, pictures, signs or advertisements in or on the street, or on or upon any buildings, fences, billboards, or other structures, or on or upon any pole in any sidewalk, alley, street, lane, court, park or other public place; to regulate or prohibit the suspension of banners, flags, signs, advertisements, posters, pictures, or cards across or over any sidewalk, alley, street, lane, court, park, or other public place, or such suspension from fences, poles, houses, or other structures; to regulate or prohibit traffic, business, peddling or selling of goods, wares, merchandise or other things in or upon any sidewalk, street, alley, lane, court, park, or other public place; to regulate or prohibit the flying of kites in or from any sidewalk, alley, lane, court, park, or other public place; to prohibit and prevent encroachments upon or obstructions in or to any sidewalk, street, alley, lane, court, park or other public place, and to provide for the removal of such encroachment or obstruction.

17. To provide for the removal of dirt, rubbish, weeds, rank growths, or any other material that may endanger or injure neighboring property, or the health or welfare of residents of the vicinity, or the welfare of the city; to authorize the removal or destruction thereof by some officer of the city; to make the cost thereof a lien and charge upon such lands or buildings, and to make provisions for the enforcement of such lien; to require owners or occupants of real property in the

Removal
of dirt,
weeds, etc.

city to remove grass, weeds, or obstructions from the public sidewalks, sidewalk spaces, and parking spaces in front of the property so owned and occupied; to authorize the destruction thereof by some officer of the city at the expense of such owner or occupant and to make the cost thereof a lien and charge upon such property and to make provision for the enforcement of such lien.

Billboards. 18. To regulate, license, or prohibit the construction and use of billboards and signs on public or private property.

Animals. 19. To regulate and prevent the running at large of animals; to provide for the destruction of vicious or diseased animals; and to require the payment of license fees by the owners or persons having possession of animals, and to impose penalties upon such persons for refusing to pay such license fees.

20. To establish and maintain a pound and authorize the destruction or other disposal of any animals running at large; to establish routes and other regulations for driving or taking loose animals or droves or bands of animals through the city or any part thereof.

21. To prohibit and punish cruelty to animals, and to require the places where they are kept to be maintained in a clean and healthful condition.

22. To regulate the keeping of animals, fowls or bees within the city.

Health regulations. 23. To make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease; to make regulations to prevent the introduction of contagious, malignant, infectious or other diseases into the city; to make quarantine laws and regulations; to regulate, control and prevent the entry into the city of persons, baggage, merchandise or other property infected with contagious disease.

24. To regulate or prohibit the maintenance or operation of chemical works, slaughter houses, wash houses, laundries, stables, tanneries, glue factories, garages, planing mills, boiler shops, undertaking establishments and all manufactories, occupations, trades, or businesses of every description that may endanger public health, safety, or comfort, or may affect the good health or good order of the city, or disturb the public peace or which may be offensive, or dangerous, or to exclude such work and business from the city; to make regulations for the suppression of disagreeable, offensive, or injurious noises or odors; to provide for the punishment of violating such regulations and the punishment of all persons who permit the same to be violated in any building or upon any premises owned or controlled by them; to restrict the conduct thereof to such fixed limits as the city council may deem proper.

25. To provide for and regulate the inspection of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, breadstuffs, milk, and of all things used for food or drink or for human or animal consumption, stored, manufactured, sold,

offered for sale, given away, or exchanged in the city, and to provide for the taking and summarily destroying any such products as are unsound, spoiled, adulterated, or unwholesome, and to regulate and prevent bringing into the city, or having or keeping within the city any such unsound, spoiled, adulterated, or unwholesome products.

26. To provide for the regulation and inspection of all dairies, and slaughter houses, that offer for sale or sell any of their products in the city.

27. To regulate hotels, lodging houses, tenement and apartment houses and to prevent the overcrowding of the same, and to require that they be put and kept in a proper sanitary condition.

28. To regulate or prohibit the construction, repair, and use of sewers, sinks, gutters, wells, cesspools, and vaults, and to compel the connection, cleaning, draining, or emptying of the same, and to designate the time and manner in which the work of cleaning, draining, or emptying the same shall be done.

29. To provide for the collection and disposal of garbage, ashes, animal and vegetable refuse, dead animals, animal offal, rubbish and waste matter.

30. To license for purposes of regulation and revenue all and every kind of business not prohibited by law transacted or carried on in the city, to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise. Licenses.

31. When not unlawful, to license, tax, regulate, prohibit, or suppress all tippling houses, dram shops, saloons, bars, bar rooms, raffles, hawkers, junk dealers, dealers in second hand merchandise, auctioneers, employment office keepers, dealers in refreshments, coffee, or soft drinks, and to prescribe the mode of conducting the same. Regulation of certain businesses.

32. To establish stands for hacks, public carriages, express wagons, automobiles, and other public conveyances for hire, and to regulate the charge of such hacks, public carriages, express wagons, and other public conveyances, and to require schedules of such charges to be posted in or upon such public conveyances.

33. To provide for the inspection and scaling of all weights and measures used in the city, and to enforce the keeping and use by dealers of proper weights and measures duly tested and scaled. Weights and measures.

34. To license, regulate, restrain or prohibit all exhibitions, public shows, games and amusements; to prevent and prohibit all descriptions of gambling and fraudulent devices and practices, and selling of pools, all playing of cards, dice or other games of chance for the purpose of gambling, the keeping or operating of card machines, slot machines, or other contrivances upon or into which money is staked, hazarded, deposited or paid upon chance, and to authorize the confiscation and destruction of all instruments used for the purpose of gambling. Shows and gambling.

Beggars,
prostitutes,
prize fights,
etc.

35. To restrict and punish vagrants, mendicants, lewd persons, and prostitutes; to prevent drunkenness, prize fights, vagrancy, mendicancy, prostitution, and all offensive, immoral, indecent, and disorderly conduct and practices in the city.

Taxation.

36. To levy and collect taxes upon the real and personal property within the city, and to provide for the expenditure of the money so raised according to law.

Contracts.

37. To make and execute on behalf of the city all contracts involving the expenditure of fifteen hundred dollars (\$1,500) or more, except as may be otherwise provided by this charter.

38. To order the repaying by the treasurer of any taxes, percentages or costs erroneously or illegally collected.

39. To fix the fees and charges for all official services.

40. To appropriate annually to the mayor a fund not exceeding six hundred dollars (\$600) a year, to be expended under the direction of the mayor.

Leases.

41. To provide for the lease of any lands now or hereafter owned by the city, but all leases shall be made at public auction to the highest responsible bidder at the highest rent, after publication of notice thereof for one week, stating explicitly the time and conditions of the proposed lease; provided, that no such lease shall be for a period longer than five years, and the council may in its discretion reject any and all bids.

42. To provide for the purchase by the city of property levied upon or under execution in favor of the city, but the amount bid on such purchase shall not exceed the amount of judgment and costs.

43. To provide for the sale at public auction, or at private sale, after advertising for five days of personal property unfit or unnecessary for the use of the city.

44. To provide for the execution of all trusts confided to the city.

45. To establish or change the grade of any street, avenue, lane, alley, court, public way, or public place within the city.

Public work.

46. To do, make, construct, and provide for work, improvements, structures, grading, conduits, and ornamentation in and on public streets, avenues, lanes, alleys, courts, ways and places: to order the whole or any portion or portions either in length or width of any one or more of the streets, avenues, lanes, alleys, courts, places or public ways of any such city graded or regraded to the official grade, planked or replanked, paved or repaved, macadamized or remacadamized, graveled or regraveled, piled or repiled, capped or recapped, oiled or recoiled, construction or reconstruction or improved in any manner whatsoever, or reimproved or repaired in any manner whatsoever, and to order the construction or reconstruction therein of sidewalks, crosswalks, culverts, bridges, gutters, curbs, steps, parkings, and parkways, sewers, ditches, drains, conduits, and channels for sanitary and drainage purposes or either or both thereof, with outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, connecting sewers, ditches, drains, conduits, channels and other appurtenances; also to do, make, and construct and provide for pipes, hydrants, and

appliances for fire protection; tunnels, viaducts, conduits, and subways, breakwaters, levees, bulkheads and walls of rock or other materials to protect the same from overflow or injury by water; and poles, posts, wires, pipes, conduits, lamps and other suitable or necessary appliances for the purpose of lighting said streets, avenues, lanes, alleys, courts, places or public ways; the planting of trees thereon and the construction or reconstruction in, over or through property or rights of way owned by such city of tunnels, sewers, ditches, drains, conduits, and channels for sanitary and drainage purposes or either or both thereof, with necessary outlets, cesspools, man-holes, catch basins, flush tanks, septic tanks, connecting sewers, ditches, drains, conduits, channels and other appurtenances, pipes, hydrants, and appliances for fire protection and breakwaters, levees, bulkheads and walls of rock or other material to protect the streets, avenues, lanes, alleys, courts, places, public ways, and other property in any such city, from overflow by water, and to order any work to be done which shall be deemed necessary to improve the whole or any portion of such streets, avenues, sidewalks, lanes, alleys, courts, places, or public ways or property or rights of way of such city; to cause shade trees, plants and grass to be set out, planted and cultivated therein, and to provide for the care of the same; and also, to order drainage or sanitary sewers to be constructed on or through private property, and to construct, reconstruct, improve, or repair street or other railways in the public ways of the city for the purpose of leasing or renting the same to persons or private corporations to be employed as a means of transportation for the benefit of the public, or for operation by the municipality for said purposes, and to cause the costs and expenses of all improvements in this section enumerated, including all incidental expenses and damages to private property occasioned thereby, to be paid from the general fund of the city or from such other fund as the city council may designate or from moneys raised by levying and collecting assessments upon private property according to frontage or upon property in districts according to the benefits derived from the work or improvement; and to adopt the necessary procedure to carry out the provisions thereof. Whenever in the judgment of the council or the people, the costs and expense of any of the improvements (meaning every kind in this subdivision (46) aforementioned) is to be paid by special assessments on private property, the general laws of the State of California in force at the time of the improvement shall govern and control and all the proceedings shall be thereunder and in conformity thereto.

47. To establish, lay out, open, extend, widen, narrow, straighten, close, or vacate streets, alleys, lanes, boulevards, crossings, courts, or other highways, and public places and rights of way within the city; and to condemn and acquire any and all property necessary or convenient for those purposes. Whenever in the judgment of the council or of the

people the cost and expense of any of the foregoing improvements in this subdivision (47) mentioned is to be paid by special assessment on private property, the general laws of the State of California in force at the time of the improvement shall govern and control, and all proceedings shall be in conformity thereto; to make provision for the deposit with the city clerk, by any person, firm, or corporation, desiring to open any sidewalk, street, alley, lane, court, park, or other public place for any purpose, of a bond or cash, as hereinafter provided, to cover the cost of refilling and covering such opening and restoring such sidewalk, street, lane, alley, court, park, or other public place to a condition equal to or better than it was in before such opening was made and to provide for the doing of such work at the expense of the person, firm, or corporation making such opening.

Boulevards.

48. To set apart as a boulevard or boulevards any street or streets over which there is not existing franchise for any railroad and to regulate and prevent heavy teaming, or other traffic thereon; and when any such street shall have been set aside as a boulevard, no franchise for a railroad, interurban railway or street railway of any kind shall ever be granted upon such boulevard and no railroad track of any kind shall ever be laid thereon, unless an ordinance to that effect shall have been duly passed by popular vote, as provided in this charter.

Water front.

49. To improve, keep in repair and control the water front of the city, to fix the rates of wharfage, dockage, bankage, and tolls, and provide for the collection thereof, to license, regulate, control, or prohibit the landing, anchorage, and moorage of steamboats, sailing vessels, barges, rafts, tug boats, house boats, and all other water craft within the jurisdiction of the city; provided, however, that the city council shall keep open and unassigned and available for transient business, a sufficient wharf space.

Public utility rates.

50. To fix and determine, by ordinance, the rates of compensation to be collected by any person, firm, or corporation for the use of water, gas, electricity, heat, light, power, telephone service, or other public utilities supplied to the city or to the inhabitants thereof and to prescribe the quality of such service.

Railways.

51. To regulate railroads and street railways, their tracks and cars and the issuance and exchange of transfers and to fix the fares and charges thereon and to compel the owners of two or more railroads using the same street to use the same tracks and to equitably divide between them the cost of construction and the cost of maintenance thereof.

52. To require any person, firm or corporation exercising or enjoying any franchise, permit, or privilege, in, over, under, or along any of the streets, highways, or public places in the city for railroad purposes, to replank, repave, or remacadamize the entire length of the street, highway, or other public place used by the track or tracks of said railroad, and between

the rails and for two feet on each side thereof and between tracks, if there be more than one, and to keep the same constantly in repair, flush with the street and with good crossings, and to require such street work to be done with such kind of materials and in such manner as the council may direct, at the same time and as a part of the same operation as the work on the remainder in width of said street, highway, or public place.

53. To permit the laying down of spur or side tracks, and the running of cars thereon for the purpose of connecting warehouses, manufactories, or other business industries, and enterprises with any line of railroad which now enters or may hereafter enter the city, subject to such regulation and conditions as may be prescribed from time to time by the council, such tracks to be used for transportation of freight only, and not to be used as a main line or a part thereof; and also for the purpose of excavating or refilling a street or portion of a street or the adjoining land, and for such limited time as may be necessary for such purpose and no longer.

Such tracks must be laid level with the street and must be operated under such restrictions as not to interfere with the use of the streets by the public. All permits granted under the provisions hereof shall be revocable at the pleasure of the council.

54. To cause the removal of poles and posts and placing Poles and wires. underground of all telephone, telegraph, electric light, or other wires within the city or within any designated portion thereof, and to regulate or prohibit the placing of poles and the suspending of wires along or across any of the streets, highways, and public places in the city; and to regulate the location or cause the removal of all anchor posts or anchor wires or any other device for bracing of poles and to prevent the placing of any such devices.

55. To regulate the quality, size and location of all water Pipes, conduits, etc. pipes, gas pipes, mains, fire plugs, hydrants, and all other pipes and conduits laid or constructed in the streets and public places; to regulate the construction, maintenance, and repair of the same, and to require the filing of charts and maps showing the size, character, and location of such mains, pipes, hydrants, fire plugs, conduits, and other like matters.

56. To make all rules and regulations governing elections not inconsistent with this charter.

57. To establish, maintain, regulate and provide for the distribution for the relief of such exempt members of the "Old Volunteer Fire Department" of the City of Stockton as shall have become incapacitated in course of duty in said department or debilitated by age or sickness, a fund to be known as the firemen's relief fund, and to so provide in the tax levy as that such levy shall yield each year as and for such fund a sum not less than five hundred dollars (\$500). Firemen's relief fund.

58. To provide a pension and relief fund for policemen Pensioners and firemen and other officers and employees of the city.

Zones. 59. To zone the city as relates to the use of property, the height and area of buildings, both within and without the industrial districts.

Soliciting for charities. 60. To regulate the soliciting of contributions to charitable purposes; to provide for the reasonable supervision over the persons engaged therein and for the application and use of the contributions received to the purpose intended; to prevent the wrongful diversion of such funds to other uses or to secure them against waste.

Franchises. 61. To grant franchises or privileges in, on, through, across, under, or over any street, avenue, alley, bridge, viaduct, tunnel, subway or other place or upon the water front or in, on, upon navigable waters within the city, and to prescribe the terms and conditions of any such grant; subject, however, to the limitations elsewhere contained in this charter.

General powers. 62. Notwithstanding the enumeration and specific statement herein of particular powers, the city council shall have power in the name of the city, to do and perform all acts and things appropriate to a municipal corporation, and the general welfare of the inhabitants, and which are not specifically forbidden by or inconsistent with the constitution of the State of California, or this charter, or which now or hereafter would be competent for this charter specifically to enumerate; and no enumeration or specific statement herein of any particular powers shall be held to be exclusive or a limitation of the foregoing general grant of power; the council shall have the power to delegate any of the powers conferred on or vested in it.

64. To enact appropriate legislation and to do and perform any and all other acts and things which may be necessary and proper to carry out the general powers of the city or any of the provisions of this charter; and to adopt and enforce all such measures and to establish all such regulations in case no expressed provision is in this charter made as the city council may deem expedient and necessary for the promotion and protection of the health, comfort, safety, life, welfare, and property of the inhabitants of the city, the preservation of peace and good order, the promotion of public morals and the suppression of vice in the city.

ARTICLE VI.

ELECTIVE OFFICERS.

Elective officers. SECTION 1. The elective officers of the City of Stockton shall be nine councilmen, a police judge, and five school directors.

Councilmen.

Councilmen. SEC. 2. The council shall consist of nine members who shall be elected on a general ticket, one from each of the nine districts of the City of Stockton, as hereinbefore specified, or, in the event the city council shall hereafter re-district the city, one from each of the nine districts so established by the city council.

Each member of the city council shall be elected by the electors of the entire city and shall hold office for a term of four years beginning the first day of January next after their election and until their successors are elected and qualified; provided, that the councilmen first elected under this charter shall, at their first meeting, so classify themselves by lot that four of them shall hold office from July 1, 1923, to and including December 31, 1925, and five of them shall hold office from July 1, 1923, to and including December 31, 1927.

At each general municipal election after the first under this charter the number of councilmen to be elected shall be equal to the number of terms to expire, under the aforesaid provisions, on the ensuing 31st day of December, to-wit: alternately, four or five.

Each member of the city council must have been a resident and qualified elector of the City of Stockton, or territory legally annexed thereto, for a period of not less than five (5) years, and a resident and qualified elector in the district from which he is nominated for a period of not less than six (6) months, next preceding the day of his election or of the date of his appointment.

No member of the city council shall be interested in the profits or emoluments of any contract, job, work, or service for the municipality. Any member who shall cease to possess any of the qualifications herein required, shall forthwith forfeit his office, and any such contract in which any member is or may become interested, may be declared void by the council.

Any member of the council moving from his district during his term, shall automatically forfeit his office, the same to be refilled by the council from the electors of that district. Absence from five consecutive regular meetings, unless excused by resolution of the council, shall operate to vacate the seat of any member so absent.

If a vacancy shall occur in the office of councilman, the council shall appoint a person to fill such vacancy. Such vacancy in the council shall be filled by the council from the electors of the district in which the vacancy occurs.

If at any municipal election held under the provisions of this charter, a councilman be not elected from each district by reason of a tie vote among any of the candidates therefor, then the council, after the qualifications of the persons elected to the office of councilman at such election, shall select by lot one of the persons receiving such tie vote to fill such office. In each case, the person so appointed shall hold office, subject to the provisions of the recall, until the next general municipal election.

School Directors.

SEC. 3. Five school directors shall be elected at the general municipal election on a general ticket from the Stockton school district, at large. The board of education shall consist

School
directors.

of such five school directors, each of whom shall have the right to vote on all questions coming before the board.

To be eligible for the office of school director a person must be a citizen of the United States and have been a resident of the Stockton school district for at least three years.

If a vacancy shall occur in the office of school director, the board of education shall appoint a person to fill such vacancy. If at any election held under the provisions of this charter, a school director be not elected by reason of a tie vote among any of the candidates therefor, then the board of education, after the qualification of the persons, if any, elected thereto at such election, shall select by lot one of the persons receiving such tie vote, to fill such office. In each case, a person so appointed shall hold office, subject to the provisions of the recall, until the next general municipal election.

The school directors shall hold office for a term of four (4) years from and after the first Monday in January after their election and until their successors are elected and qualified: provided, however, that the present school directors shall hold office until their respective term of office shall have expired. At each general municipal election, after the first held under this charter, the number of school directors to be elected shall be equal to the number of terms to expire on the ensuing first of January, to-wit: alternately, two or three.

The Police Judge.

Police judge.

SEC. 4. The police judge shall be elected at the general municipal election on a general ticket from the city at large.

To be eligible for the office of police judge a person must have been a citizen of the United States and a qualified elector of the State of California and of the City of Stockton for at least two (2) years, and for a like period, a practicing attorney admitted to practice in all of the courts of the state.

The police judge shall hold office for a term of four (4) years beginning the first day of January next after his election until his successor is elected and qualified, except that at the first election held under the provisions of this charter, the police judge then elected shall serve from July 2, 1923, to and including December 31, 1925.

If a vacancy shall occur in the office of police judge, the council shall appoint a person to fill such vacancy. If at any general municipal election held under the provisions of this charter, a police judge be not elected by reason of a tie vote among any of the candidates therefor, then the council shall select by lot one of the persons receiving such tie vote to fill such office. In each case, the person so selected shall hold office, subject to the provisions of the recall, until the next general municipal election.

Official
bonds.

SEC. 5. Each councilman, each school director, and the police judge shall, before entering upon the duties of his office, give and execute to the city a bond as follows: each councilman in the penal sum of five thousand dollars (\$5000); each school director in the penal sum of twenty-five hundred dol-

lars (\$2500); and the police judge in the penal sum of five thousand dollars (\$5000); the City of Stockton to pay the costs of acceptable surety bonds. Every bond shall contain the conditions that the principal will well, truly, honestly, and faithfully perform the duties of his office. The bonds of the school directors and the police judge must be approved by the council, and the bonds of the several councilmen must be approved by the city attorney, and the approval of the official bonds must be endorsed thereon. All bonds when approved shall be filed with the city clerk. All the provisions of any law of this state, relating to official bonds, not inconsistent with the provisions of this charter, shall be complied with.

SEC. 6. Every officer of the city, before entering upon the duties of his office, shall take the oath of office as provided for in the constitution of this state and shall file the same with the city clerk. Oath of office.

SEC. 7. Each member of the city council shall receive the sum of five (5) dollars for each council meeting attended; provided, that the total compensation of each member shall not exceed the sum of twenty-five (25) dollars in any one month. Compensation.

The school directors shall receive no salary or compensation.

The police judge shall receive a salary of two thousand (\$2000) dollars per annum for the first term specified in this charter. The city council may, by ordinance, change the amount of the salary to be received by the police judge for any term after the first term herein specified; provided, that such ordinance so changing the salary must be finally adopted at least six months prior to the beginning of such term. Until the amount of salary is changed, the police judge shall receive the salary hereinabove specified.

ARTICLE VII.

OFFICERS AND EMPLOYEES.

General Qualifications.

SECTION 1. Every officer or employee of the city must be a citizen of the United States and have resided in the City of Stockton not less than one year preceding his election or appointment. In case of flood, fire, or other public calamity, the city manager may employ on city work persons other than citizens or residents. The provision of this section regarding residence shall not apply in the case of the city manager or of professionally trained experts. General qualifications.

Restrictions Upon Officers and Employees.

SEC. 2. No person shall be elected or appointed to any office, position, or employment, the compensation of which was increased or fixed by the city council while said person was a member thereof, until after the expiration of one year from the date when he ceased to be a member of the city council. No officer of the city, either elective or appointive, nor any clerk, assistant, or employee, shall be interested directly or Restrictions upon officers and employees.

indirectly in any contract or transaction with the city or any department, board, officer, or employee thereof, nor become surety for the performance of any contract made with or for the city upon bonds given to the city. No officer, clerk, assistant, or employee shall receive any commission, money, or thing of value, or derive any profit, benefit, or advantage, directly or indirectly, from or by reason of any dealings with or service for the city by himself or others, except his lawful compensation as such officer, clerk, assistant, or employee. No officer or employee of the city shall be in the employ of any public service corporation in the city, or of any person having any contract with the city, or any grantee of a franchise granted by the city. The violation of the provisions of this section by any such officer, clerk, assistant, or employee shall work the forfeiture of such office or employment. No person shall hold more than one office under the city government nor receive more than one salary from the city for the same time.

SEC. 4. Unless otherwise provided by this charter, any officer authorized to appoint any deputy, clerk, assistant, or employee shall have the right to remove at pleasure the person so appointed.

Suspensions and Removals.

Suspensions
and removals.

SEC. 5. The appointing power shall have authority to suspend without pay for a period not exceeding thirty days, or fine in any amount not exceeding one month's pay, any employee of such department for any violation of the rules of the department or for insubordination or for wilful neglect of duty; provided, that the city manager shall not be subject to any disciplinary action and can be dismissed only as elsewhere provided in this charter.

SEC. 6. The city manager may, with the approval of at least six members of the city council, dismiss any subordinate officer, or member of the police or fire department without a trial or hearing. If at least six members do not approve of the dismissal of such officer or member, the city manager may prepare, or cause to be prepared, written charges, against such officer or member, which shall be filed with the city council.

Copies of all such charges shall be furnished to the accused, who shall have not less than ten days after such service within which to prepare his defense thereto. The accused may, at the hearing of such charges, be represented by counsel and shall have the right to compel the attendance of such witnesses as he may desire to testify in his behalf.

Trials.

Trial of
charges.

SEC. 7. The city council shall act as a trial board for the purpose of hearing and determining charges so made against any member or employee of the police department or fire department, other than the respective chiefs of said departments. The verdict and judgment of at least five members of the council may dismiss him from the service of the city or

inlict such other punishment upon him as in the judgment of the council shall be adequate.

SEC. 8. If any officer or employee of the city shall be convicted of a felony or malfeasance in office, or be adjudged insane, or absent himself for one month from the city without leave, his office shall be filled as in this charter provided.

SEC. 9. All officers and regular employees of the city, after serving for at least one year, shall be entitled to a vacation annually. Such vacation shall be at such time as the executive head of the department in which such officer or employee may be serving shall direct and shall be without loss of pay. Any city employee in the reserve corps, naval reserve, marine corps, or national guard of the United States army and navy, when called for his annual fifteen day period of intensive training, shall be permitted to participate therein and shall not suffer loss of pay through such absence nor shall such period devoted to said training be construed as the annual vacation of such employee but said employee shall have in addition thereto, the usual vacation period on pay allotted to city employees. Vacations.

SEC. 10. The council shall have power to create and discontinue offices, deputyships, assistantships, and employments other than those prescribed in this charter and to prescribe the powers and duties pertaining thereto. Additional positions.

SEC. 11. The city council shall fix the compensation of all officers whose compensation is not specified in this charter. The city manager shall fix the compensation of the deputies, assistants, and employees of the officers appointed by him; subject, however, to the approval of the council. The compensation of all other deputies, assistants, and employees of the city shall be fixed by the council. Compensation.

SEC. 12. The city council shall determine which officers shall give bonds for the faithful performance of their official duties, and fix the amounts thereof. Each of such officers, before entering upon the duties of his office, shall execute a bond to the city in the penal sum required, which bond shall include any other offices of which he may be ex-officio incumbent. Said bonds shall be approved by the council and filed with the clerk. Official bonds.

SEC. 13. It shall be the duty of the city council to familiarize itself with the scale of wages paid to all casual employees on public work, both in and out of the city service; and for that purpose, whenever it may be deemed necessary, hold investigations to ascertain the prevailing scale of wages. Whenever it shall be found that the city has diverged from such scale, it shall be the duty of the council to adjust the wages paid to such casual employees to the prevailing scale. Wages of casual employees.

ARTICLE VIII.

THE MAYOR.

SECTION 1. The city council, at its first meeting, shall by majority vote of the members present, elect one of its Selection of mayor.

members as chairman who shall be entitled mayor. In case the members of the council, within five days after the time herein fixed for their first meeting, are unable to agree upon a mayor, then a mayor shall be selected from all the members of the council by lot conducted by the city attorney who shall certify the result of such lot upon the journal of the council. The mayor shall serve during the pleasure of the council, and until his successor is selected.

Mayor
pro tem.

SEC. 2. During the temporary absence or disability of the mayor, the vice-president of the council shall act as mayor pro tempore. In case of the temporary absence or disability of both the mayor and the vice-president, the council shall elect one of its members to be mayor pro tempore. In case of vacancy in the office of the mayor, the vice-president of the council shall act as mayor until such vacancy can be filled as provided in this charter.

Powers and
duties.

SEC. 3. The mayor shall preside at the meetings of the council and perform such other duties consistent with his office, as may be imposed by the council. He shall be entitled to a vote, but shall possess no veto power. He shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil processes, and by the governor for military purposes. In time of public danger or emergency, he may, with the consent of the council, take command of the police, maintain order and enforce laws. The powers and duties of the mayor shall be such as are conferred upon him by the charter together with such others as may be conferred by the council in the pursuance of the provisions of this charter, and no others.

ARTICLE IX.

THE CITY MANAGER.

Appointment and Qualifications.

Appoint-
ment, quali-
fications,
etc.

SECTION 1. The city manager shall be chosen by the council without regard to his political or religious belief, and solely on the basis of his executive, administrative, and economic qualifications. The choice shall not be limited to the inhabitants of the city or state. He shall be appointed for an indefinite period, and cannot be removed from office except by a vote of at least six members of the council; provided, however, that he may not be removed within twelve months from the date on which he assumes his duties, except for incompetence, malfeasance, misfeasance, or neglect of duty. In the case of his removal within the said period, he may demand written charges and a public hearing thereon before the council, prior to the date on which his removal shall take effect; but the decision and action of the council on such a hearing shall be final, and pending such a hearing, the council may suspend him from duty. During the absence of the city manager, the council shall designate some properly qualified person to perform his duties. In the event of death or dis-

ability of the city manager, the city engineer shall perform his duties until the designation of some one by the council to perform the duties of city manager, or until his successor is appointed and qualified. Whenever a vacancy occurs in this office, the council shall immediately proceed to elect a city manager.

Powers and Duties.

SEC. 2. The city manager shall be responsible to the council for the efficient administration of all the affairs of the city under his supervision, direction, and control. He shall have the power, and it shall be his duty:

Powers and
duties.

(a) Except as otherwise provided in this charter, to appoint all heads or directors of departments and subordinate officers and employees of the city. However, no appointments shall be made from his business associates, and nepotism shall not be permitted in said appointments excepting in some cases when it may be for the interest of the city that nepotism be suspended and then only by the consent of at least six members of the council.

(b) He shall have power to discipline and remove any officer or employe so appointed, except as herein otherwise provided.

(c) To exercise supervision and control over all departments and divisions created herein, except as herein otherwise provided.

(d) Except when the council is considering his removal, to attend all regular meetings of the council and its committees, with the right to take part in the discussions, but without power to vote. He shall receive notice of all special meetings.

(e) To recommend to the council for adoption such measures and ordinances as he may deem necessary or expedient.

(f) To see that all terms and conditions imposed in favor of the city or its inhabitants, in any public utility franchise, permit, or privilege, are faithfully kept and performed; and, upon knowledge of any violation thereof, to call the same to the attention of the city council and to the city attorney whose duty it shall be to take such steps as are necessary to enforce said terms and conditions.

(g) To exercise general supervision over all privately owned public utilities operating within the city so far as the same are subject to municipal control.

(h) To make and execute, on behalf of the city, all contracts involving the expenditures of less than fifteen hundred (\$1500) dollars.

(i) To cause, without notice, the affairs of any department under his supervision, direction, and control, or the conduct of any officer or employe thereof, to be examined. And any person or persons appointed by the city manager to examine the affairs of any department, or the conduct of any officer or employe, shall have the same power to compel the attendance of witnesses and the production of books and papers and other evidence, and to cause witnesses to be punished

for contempt as is conferred upon the city council by this charter.

(j) To prepare and submit to the council the annual budget.

(k) To keep the council at all times fully advised as to the financial condition and needs of the city.

(l) To perform such other duties as may be prescribed by this charter or be required of him by ordinance or resolution of the council.

(m) To appoint such advisory boards as he may deem necessary or desirable to advise and assist him in his work; provided, that the members of such boards shall not receive any compensation.

Inventory
of city
property.

SEC. 3. The city manager shall immediately upon taking office and annually thereafter inventory and appraise the value of all real estate, buildings, furniture and fixtures, supplies, and movable property of every kind and nature in every department, building, and office of the city, and may require of each officer or department head an inventory of the same; and any officer or department head who neglects or refuses to make such inventory required by the city manager shall be punishable by removal from office. One copy of such inventory shall be filed with the city council and one with the auditor.

ARTICLE X.

THE CITY CLERK.

Appointment.

Appoint-
ment.

SECTION 1. The city council shall appoint the city clerk who shall serve at its pleasure. The city clerk shall, subject to the approval of the city council, appoint such deputies and employees to assist him as the council may prescribe.

Custody of Records.

Custody
of records.

SEC. 2. The city clerk shall have the custody of and be responsible for the corporate seal, and all books, papers, records, contracts, and archives belonging to the city, or to any department thereof, not in actual use by other officers or elsewhere by special provision committed to their custody.

Shall Keep Records.

Shall keep
records.

SEC. 3. He shall be present at each meeting of the council and keep full and accurate minutes of its proceedings and also separate books in which, respectively, he shall record all ordinances and official bonds; he shall keep all of the books properly indexed and open to public inspection when not in use. He shall devote his entire time to the duties of his office.

SEC. 4. He shall have power to take affidavits and administer oaths in all matters relating to the business of the city and shall make no charge therefor.

Ex-Officio Secretary of Boards.

SEC. 5. He shall, without extra compensation, act as clerk or secretary, ex-officio, of any board or commission of the city government except as herein otherwise provided, and shall keep full and accurate minutes of the proceedings thereof. Ex-officio secretary of boards.

SEC. 6. The city clerk shall perform such other duties as may be prescribed by this charter, by general law, or by resolution, or ordinance of the city council.

ARTICLE XI.

THE POLICE DEPARTMENT.

Organization.

SECTION 1. The police department shall consist of a chief of police and all such other officers, clerks, employees, and attaches as the city council may, from time to time, prescribe. Organization.

Qualifications.

SEC. 2. Every appointee to the department must possess such qualifications as may be prescribed by the city manager. Qualifications.

CHIEF OF POLICE.

Appointment.

SEC. 3. The chief of police shall be appointed by the city manager and shall hold office at his pleasure; provided, however, that should a member of the regular police force of the city be appointed chief of police, his dismissal by the city manager from the office of chief of police shall not automatically result in his dismissal from the department, but he shall be assigned to such rank and grade as may be determined by the city manager. In case of the absence or disability of the chief, the captain of police shall assume charge of the department. In case of resignation or death of the chief, the captain of police shall assume charge of the department until such time as a successor has been appointed and qualified. All officers and members of the police department hereafter appointed, shall be appointed by the city manager; provided, however, that the city manager may require any appointee, before becoming a regular member of the department, to serve a period of probation not to exceed one year. During such period of probation, the city manager shall have the right to remove at pleasure the person so appointed. Appointment of chief.

All regular officers and members of the police department other than the chief of said department, at the time this charter takes effect, shall continue to hold and exercise their respective offices and employments until removed in the manner provided in this charter.

SEC. 4. The city manager shall have control, management, and direction of all members of the department in the lawful exercise of his functions with full power to detail any of them Control by city manager.

to such public service as he may direct. He may promote any officer or member of the department and may likewise demote any such officer or member; he may dismiss any officer or member subordinate to the chief, as hereinbefore in Article VII provided.

Vacancies.

SEC. 5. When a vacancy arises in the police department above the grade of patrolman by reason of absence or disability, the city manager may assign a member of the department from the next lower rank to fill the position until such time as the absent member shall return or the vacancy be filled by appointment.

SEC. 6. The city manager shall have control and management of the city prison.

Powers of chief.

SEC. 7. In the enforcement of law and of the ordinances of the city and in the suppression of any riot, public tumult, disturbance of the public peace, or organized resistance against the laws of public authority, the chief of police shall, in the lawful exercise of his functions, have all the powers that are now or may be hereafter conferred upon sheriffs by the laws of the state.

Duties of chief.

SEC. 8. The chief of police shall be responsible for the execution of all laws and ordinances. He shall see that the orders and processes issued by the police court, and such other orders and processes as may be placed in his hands, are promptly executed, and shall exercise such other powers connected with his office as may be provided for in such rules and regulations of the department as are now in effect, or may hereafter be adopted. He shall recommend to the city manager members of the force for promotion, demotion, suspension, or dismissal.

SEC. 9. The chief of police shall keep a public office, to be provided by the city council, which shall be open at all hours, day and night, and at which he or a police officer designated by him shall be in constant attendance. He shall devote his entire time to the discharge of the duties of his office and shall not, save when on vacation, absent himself from the city except by the written permission of the city manager unless in pursuit of persons who have committed public offenses within the limits of the city.

Contingent expense.

SEC. 10. The city manager may, from time to time, disburse such sums for contingent expense of the department as, in his judgment, shall be for the best interest of the city, to be paid out of the contingent fund allowed the department. The aggregate of all such sums shall not in any one fiscal year exceed the amount appropriated to such fund.

Police Officers.

Policemen.

SEC. 11. No member of the police force shall be allowed to receive any money, gratuity, or compensation for any service he may render as an officer, except rewards which have been publicly offered for the apprehension and conviction of criminals. The members of the police force shall not follow

any other profession, calling, or business, but shall devote their entire time to the performance of their official duties, nor shall they be allowed pay for any period during which they shall absent themselves from public duty, except as in this charter provided. It shall be the duty of each member of the police force to acquaint himself with the provisions of this charter, with all ordinances of the city, and with all laws of the state defining public offenses and regulating criminal proceedings.

Extra Policemen and Special Officers.

SEC. 12. The city council shall authorize the appointment and provide for the compensation of such extra policemen as may, from time to time, become necessary for temporary duty, and may also authorize the appointment of special policemen to be paid by the persons, firms, or corporations petitioning for the same. All extra and special policemen shall possess all the powers and discharge all of the duties of regular policemen, and shall be under the direction and control of the city manager, and be subject to and obey all rules and regulations of the police department.

Extra policemen and special officers.

ARTICLE XII.

FIRE DEPARTMENT.

Organization.

SECTION 1. The fire department shall consist of a chief of the department, an assistant chief, firemen, extra men and such other officers, clerks, and employees and attaches as the city council may from time to time prescribe.

Organization.

Qualifications.

SEC. 2. Every appointee to the department must possess such qualifications as may be prescribed by the city manager.

Qualifications.

Chief of the Fire Department.

SEC. 3. The chief of the fire department shall be appointed by the city manager, and shall hold office at his pleasure; provided, however, that should a member of the regular fire department of the city be appointed chief of the fire department, his dismissal by the city manager from such office shall not automatically result in his dismissal from the department, but he shall be assigned to such rank in the department as may be determined by the city manager.

Chief.

Assistant Chief of the Fire Department.

SEC. 4. The assistant chief of the fire department shall be appointed by the city manager and shall hold office at his pleasure; provided, however, that should a member of the regular fire department of the city be appointed assistant chief of the fire department, his dismissal by the city manager from such office shall not automatically result in his dismissal

Assistant chief.

from the department, but he shall be assigned to such rank in the department as may be determined by the city manager. In case of absence or disability of the chief, the assistant chief shall assume charge of the department. In case of resignation or death of the chief, the assistant chief shall assume charge of the department until such time as a successor has been appointed and qualified.

All other officers and members of the fire department hereafter appointed shall be appointed by the city manager; provided, however, that the city manager may require any appointee, before becoming a regular member of the department, to serve a period of probation, not to exceed one year. During such period of probation, the city manager shall have the right to remove at pleasure the person so appointed.

SEC. 5. All regular officers and members of the fire department, other than the chief of said department, at the time this charter takes effect, shall continue to hold and exercise their respective offices and employments until removed in the manner provided in this charter.

Control
by city
manager.

SEC. 6. The city manager shall have control, management, and direction of all members of the department in the lawful exercise of his functions with full power to detail any of them to such public service as he may direct.

SEC. 7. The city manager may promote any officer or member of the department, and may likewise demote any such officer or member. He may dismiss any officer or member, subordinate to the chief, as hereinbefore in Article VII provided.

Vacancies.

SEC. 8. When a vacancy arises in the fire department above the grade of fireman, the chief of the fire department may, with the consent of the city manager, assign a member of the department from the next lower rank to fill such position until such time as the absent member shall return or the vacancy filled by appointment.

SEC. 9. The chief of the fire department shall devote his entire time to the discharge of the duties of his office and shall not, save when on vacation, absent himself from the city except by the written permission of the city manager, which must be filed with the city clerk, but in no case shall both the chief and the assistant chief be absent at the same time. The chief shall recommend to the city manager members of the force for promotion, demotion, suspension or dismissal.

SEC. 10. No member of the fire department shall be allowed to accept any money, gratuity, or compensation for any service he may render as fireman. The members of the fire department shall not follow any other profession, calling, or business, but shall devote their entire time to the performance of their duties.

ARTICLE XIII.

DEPARTMENT OF ENGINEERING.

Organization.

SEC. 1. The department of engineering shall consist of a city engineer, and such other officers, clerks, employees and attaches, as the council may from time to time prescribe. The city engineer shall be appointed by the city manager, and shall serve during his pleasure. The city engineer shall appoint, with the approval of the city manager, a superintendent of streets and such assistants, clerks, officers, employees, and attaches of his department as may be prescribed by the council who shall serve during the pleasure of the city engineer.

Organization
of depart-
ment.

City Engineer.

SEC. 2. The city engineer shall be a civil engineer of not less than five years' experience as such.

City
engineer.

Powers and Duties.

SEC. 3. The city engineer shall possess the same power in the city in making surveys, plats, and certificates as is given by law to city engineers and county surveyors, and his official acts and all plats, surveys and certificates made by him shall have the same validity given by law to those of city engineers or county surveyors. All maps, plans, profiles, filed notes, estimates, and other memoranda of surveys and other professional work made or done by him or under his direction or control shall be the property of the city.

Powers and
duties of
engineer.

(A) He shall be the custodian of, and responsible for all maps, plans, profiles, field notes, and other records and memoranda belonging to the city, pertaining to his office and the work thereof, and he shall keep complete statistical records covering the investigation, design, construction, maintenance, and operation of all municipal works done under the direction of his office, all of which he shall keep in proper order and condition, with full indices thereof, and shall turn the same over to his successor who shall give him duplicate receipts therefor, one of which he shall file with the auditor.

(B) He shall have charge of, and be responsible for: (1) The investigation, design, construction, maintenance of reservoirs, filtration plants or other accessories necessary or desirable for the development and distribution of any water supply owned or operated by the city, of any municipal flood control works, for the control, storage, disposal or distribution for any purpose whatsoever of flood waters, and of any municipal hydro-electric development, whether within or without the corporate limits of the city.

(C) He shall have charge of and be responsible for the planning, opening, construction, paving, maintenance, and repair of streets, boulevards, alleys, avenues, courts, lanes, levees, places, and public ways; the cleaning and sprinkling of streets; the sewers, sewage system and disposal works, the

collection and disposal of garbage, the city incinerator, the corporation yards, the materials and equipment, the municipal garages, the aero-landing fields, and the levees for flood protection of the city.

(D) He shall have charge of and be responsible for the investigation, planning, designing, construction, repair, maintenance and operation of all public buildings belonging to or used by the city; of all bridges, wharves, docks, chutes, ships, quays, harbor improvement and waterfront property; of the construction and maintenance of fire and police alarm systems; of all mechanics, machinists, and other laborers in the employ of the city and of the enforcement of all rules and regulations pertaining thereto; of the inspection of all electric wires within the city for furnishing heat, light, or power; of the inspection of the wiring of all buildings, and structures erected in the city and of the inspection of and the issuing of permits for building operations in accordance with the rules and regulations which may be prescribed by the city council; of the inspection of the plumbing in all buildings or other structures within the city. He shall also, perform, such other duties relating to his department as may be required of him by the city manager.

Service to Other Departments

Service
to other
departments.

SEC. 4. It shall be the duty of the city engineer, subject to the approval of the city manager, to furnish any department of the city such service, labor, and materials as may be requisitioned by the head of such department. The expense of such service, labor, and materials shall be charged to the department so furnished at actual cost.

SEC. 5. The city engineer may be directed by the city manager to perform work for the board of education of the Stockton school district, or for the County of San Joaquin, either within or without the corporate limits of the city, using any branch of the organization of the city engineering department therefor. Bills therefor shall be rendered by the city manager and fees collected shall be paid to the city auditor, accompanied by a statement of the service rendered. The city engineer shall do no private work during the term of his office.

ARTICLE XIV.

DEPARTMENT OF PUBLIC HEALTH.

Health
department.

SEC. 1. The health department shall consist of the city health officer, and such other officers, clerks, employes, and attaches as the council may from time to time prescribe. The city health officer and such officers, clerks, employes, and attaches shall be appointed by the city manager and shall hold office at his pleasure, and shall be subject to his supervision and control in all matters.

Qualifica-
tions of
health
officer.

SEC. 2. The city health officer shall hold the degree of Doctor of Medicine and be licensed to practice medicine in the State of California, and shall have had at least one year's

experience in matters of public health, unless at the time of appointment, said appointee shall be in the service of the U. S. Department of Public Health. The city health officer shall devote his full time to the duties of his office.

SEC. 3. The city health officer shall exercise general supervision of all matters pertaining to sanitary conditions in the city and to the health of the inhabitants, and shall have power to take all necessary measures for the preservation and promotion of the public health; he shall have control over the care, preparation, manufacture, and sale of all articles of food or drink or anything used for human or animal consumption; he shall enforce all laws, ordinances, and regulations relative to the preservation and improvement of the public health, including those providing for the prevention of disease and the suppression of unsanitary conditions, and the prevention of the spread of infectious, communicable, or contagious diseases; he shall have power, subject to the approval of the city council, to establish and maintain an isolation hospital and remove thereto persons affected with any disease in case it shall be impossible to quarantine adequately the dwelling of said person; he shall have full authority to visit any premises where there is reason to believe that there may be infectious, communicable, or contagious diseases, and to examine persons found therein. The city health officer shall have power and it shall be his duty to abate or cause to be abated any or all nuisances within the city that are offensive to the senses, or that are, or threaten to become, if suffered to continue, detrimental to the public health.

Powers and
duties of
health
officer.

SEC. 4. The city health officer shall supervise, control and regulate the relief of the indigent sick and wounded in the city; he shall also have supervision, control, and management of all hospitals conducted by the city; and may establish and maintain hospital and clinical facilities for those for whose care the city may be legally liable, or for the care of the indigent sick, who shall have been certified by the city manager.

Indigent
sick.

SEC. 5. The city health officer shall be the head of the health department and shall have all the powers, and shall be subject to all the duties conferred on boards of health and on health officers by the general laws of the state, and shall have such others powers and duties as may be conferred by resolution or ordinance.

SEC. 6. The city health officer shall recommend to the city council the adoption of rules and regulations or ordinances for the conduct of the business of the department, the preservation of the public health, and the maintenance of proper sanitary conditions within the city, and shall enforce such rules and regulations and ordinances as may be adopted by the city council. He shall prescribe such forms and regulations for the use and government of physicians, hospitals, undertakers, and management of cemeteries as may be necessary to preserve reliable vital and mortality statistics.

Rules and
regulations.

Burial
permits, etc.

SEC. 7. The city health officer shall issue all permits for burials, exhumations, and cremations within the city or within the cemeteries under the control of the city. The city health officer shall keep such records, make such reports and perform such other duties in relation to cemeteries and disposal of the dead as may be required of him by law.

Records.

SEC. 8. The city health officer shall cause to be kept a record of the transactions of the department and of its rules, regulations and requirements and he shall be the custodian of all records pertaining thereto, including all vital records, or death or cemetery records belonging to the city. He shall keep the records of all births and deaths within the city.

Reports.

SEC. 9. The city health officer shall make to the city manager an annual report and may, by him, at any time, be required to make special reports concerning the health and sanitation of the city, with his observations and recommendations thereupon, together with all statistics concerning the department.

Examination
of buildings.

SEC. 10. The city health officer shall examine periodically all public buildings and school houses in the city as to the manner in which they are lighted, ventilated, and heated and as to their sanitary condition and make a report thereupon to the city manager.

SEC. 11. The city health officer shall report to the superintendent of schools the names and addresses of all persons within the city sick of such infectious, communicable, or contagious diseases as may be listed by the health department so to be reported.

Arrests.

SEC. 12. The city health officer, and other regularly appointed employees of the health department shall have the right and power to arrest any person or persons who may violate any of the rules, regulations, orders or requirements of the health department, or any ordinances or general law relating to the maintenance of the public health and sanitation of the city.

Evidence.

SEC. 13. The city health officer shall have authority to administer oaths and to require the giving of sworn testimony in matters connected with the health department.

SEC. 14. The city manager, subject to the approval of the city council, shall have full authority to arrange under existing state laws or under such state laws as may be hereafter enacted, an agreement with the County of San Joaquin whereby the city and county health departments may be consolidated; provided, however, that such consolidation shall not operate to extend the scope of section four of this article.

ARTICLE XV.

DEPARTMENT OF PUBLIC WELFARE.

SEC. 1. There is hereby created a department of public welfare, which shall be under the supervision, direction and control of the city manager.

The city manager shall have supervision, direction and control of:

(a) All charitable, correctional, detentive, and reformatory institutions and agencies belonging to the city, within or without the territorial limits of the city.

Supervision and control of charities and corrections.

(b) The study of and research into causes and alleviation of poverty, unemployment, delinquency, disease and crime, and other social problems of the city; and, in co-operation with other departments of the city, and with public and private agencies, by means of lectures and exhibits, the promotion of the education and understanding of the city in any and all matters which affect the public welfare.

(c) Public relief, social service, home nursing, parents' educational center, humane treatment of children, juvenile delinquency, home finding, labor bureau, settlement work, day nurseries, orphanages, childrens' homes, municipal and industrial farms, welfare and relief service; and to seek, by agreement with the county, state or federal authorities and with public and private agencies operating within the city, the consolidation under common supervision, of all activities of their various jurisdictions and agencies which fall within the scope of the foregoing subject matters, and any other service which the city council may determine; the regulation of the soliciting of funds within the city for charitable purposes.

SEC. 2. He shall keep a complete record of daily work, including a record of all individuals applying for or receiving relief or other service; and shall submit a general and financial report in writing to the city manager not less than once each month.

Records.

SEC. 3. The city manager may co-operate with private agencies operating in this field, and may operate for or in co-operation with such private agencies in the administration of such trust funds of individuals or of organizations that may be placed in his hands for purposes of welfare and relief work; and may engage in such other activities in said field as may from time to time be prescribed or authorized by the city council.

Cooperation with private agencies.

SEC. 4. He shall certify to the city health officer all such indigent sick in the city as are in need of medical or surgical treatment.

Indigent sick.

SEC. 5. The city manager shall have power to employ and discharge such officers and employees as the city council may prescribe, and to adopt rules and regulations for the conduct of the department.

Assistants.

ARTICLE XVI.

DEPARTMENT OF PARKS.

SECTION 1. The city manager shall have general supervision, direction, and control over all ornamental parks, recreation parks, water parks, parkways, municipal squares improved or unimproved, and the grounds surrounding all municipal

Supervision and control of parks, etc.

buildings now owned or controlled, or which may hereafter be acquired by the City of Stockton, either within or without the corporate limits of the city; and shall exercise supervision and control over the planting and care of all trees, plants, and shrubs of all kinds on or in the streets, in all parks and around all municipal buildings and grounds owned or controlled, or which may hereafter be acquired by the City of Stockton, either within or without the corporate limits of the city.

Landscape
architect.

SEC. 2. The city manager shall employ a city landscape architect who shall hold office at his pleasure. Such city landscape architect, subject to the approval of the city manager, shall have the direction and control of the design, ornamentation, improvement, and maintenance of all ornamental parks, recreation parks, water parks, parkways, municipal squares improved or unimproved, and the grounds surrounding all municipal buildings now owned or controlled, or which may hereafter be acquired by the City of Stockton, either within or without the corporate limits of the city.

Other
employees.

SEC. 3. The city manager shall also have the power to employ and discharge such supervisors, assistants, tree wardens, and employees as may be prescribed by the city council, and to adopt rules and regulations for the conduct of the department.

Records
and reports.

SEC. 4. He shall keep a record of all matters relative to the department and shall make to the council, on or before the first day of October of each year, a report in writing thereof, and an itemized statement of expenditures during the preceding year embodying recommendations for the development, control, and use of all ornamental parks, recreation parks, water parks, parkways, municipal squares improved or unimproved, and the grounds surrounding all municipal buildings now owned or controlled, or which may hereafter be acquired by the City of Stockton either within or without the corporate limits of the city.

ARTICLE XVII.

DEPARTMENT OF RECREATION.

Supervision
and control
of play-
grounds, etc.

SECTION 1. The city manager shall have supervision, direction, and control over all playgrounds, recreation centers, municipal camping grounds, and all other amusement or recreational agencies owned operated or controlled by the city, either within or without the corporate limits of the city; he shall also have supervision, direction, and control over all games, recreation, athletic sports, and physical exercises that are or shall be permitted to be conducted in any of the public buildings, public parks, playgrounds, recreation centers, or other public lands belonging to or operated or controlled by the city, either within or without the corporate limits of the city.

Employees.

SEC. 2. The city manager shall employ a superintendent of recreation who shall hold office at his pleasure. The city manager shall also have power to employ such supervisors and

assistants as may be prescribed by the city council who shall hold office at his pleasure, and to adopt rules and regulations for the conduct of the department.

SEC. 3. He shall keep a record of all proceedings relative to the playground and recreational activities, and shall make to the council, on or before the first day of October of each year, a report in writing thereof, and an itemized statement of expenditures during the preceding year, embodying recommendations for the development, control and use of playgrounds and recreational centers. Records and reports.

ARTICLE XVIII.

LIBRARY DEPARTMENT.

Organization.

SECTION 1. The city library department of the City of Stockton shall consist of a librarian and such other officers, clerks, employees, and attaches as the city council may from time to time prescribe. Organization.

Appointments.

SEC. 2. The librarian and said officers, clerks, employees, and attaches of the city library shall be appointed by the city manager, and shall hold office at his pleasure. Appointments.

Qualifications.

SEC. 3. The librarian must be technically trained in the work pertaining to his office. Qualifications.

Other appointees, excepting apprentices and janitors, must have had previous experience in library work. Certificates from approved institutions, or library certificates issued by the authority of the State of California or other states, may be accepted, in lieu of such experience.

Powers and Duties of the Librarian.

1. He shall have control, management, and direction of all members of the library department in the lawful exercise of his functions. Powers and duties of librarian.

2. He shall, subject to the direction of the city manager, have charge of the city library and its branches and may establish additional branches.

3. He shall make and enforce all necessary rules and regulations for the proper administration of the library and its branches.

4. He shall, under suitable regulations, have authority to extend the use of the library and its branches to persons residing outside of the corporate limits of the city.

5. He may loan, borrow or exchange with other libraries, any books or other library material.

6. He shall determine the necessary books and library material to be purchased.

7. He shall make a monthly report to the city manager of all matters pertaining to the library and its branches and a full and complete yearly report to the city council.

8. He may, subject to the approval of the city manager, appoint as apprentices persons possessing satisfactory qualifications for library work. Such apprentices may be dismissed at any time. In all appointments pertaining to the library and its branches, other things being equal, residents of Stockton shall receive first consideration.

ARTICLE XIX.

SCHOOL DEPARTMENT.

Maintenance
of schools.

SEC. 1. So far as consistent with the constitution and general laws of the state, the Stockton school district shall have power to maintain and provide for public schools of any grade within its territorial limits or territory annexed to the city for public school purposes inclusive of the schools belonging to the public school system of the state.

Control of Schools.

Control of
schools.

SEC. 2. The board of education shall have entire control and management of any public schools within the city or within any school district of which the city is or may become a part and is hereby vested with all the powers conferred and with all the duties imposed upon it by this charter or by the general laws of the state upon boards of school trustees generally, so far as applicable to a city board of education, or upon city boards of education generally, so far as applicable to the city.

General Powers of Board of Education.

General
powers
of board
of education.

SEC. 3. The board of education shall have power, subject to the provisions of this charter and of the constitution and general laws of the state, to make rules for its own guidance and in direction of the officers, teachers and employees of the school department, and to control, manage, maintain, and conduct the public schools under its charge in such manner and by such means as in the judgment of said board are for the efficiency and good of the public schools under its charge.

President of Board.

President
of board.

SEC. 4. The board of education shall annually select one of its members to be its president. He may be removed by a vote of four members. He shall have no other vote than his vote as member of the board.

City Superintendent of Schools.

Superintend-
ent of
schools.

SEC. 5. The board of education shall appoint a city superintendent of schools, who shall be the executive officer of the board, who may be required to act as its secretary. The board may define his duties, fix his compensation, and, whenever the

laws of the state permit, the term of his office and provisions of his removal therefrom.

Meetings of Board.

SEC. 6. The board of education shall provide for regular meetings and may provide for special ones. All meetings shall be public. Three members shall constitute a quorum, but a less number may adjourn from day to day and compel the attendance of absenting members. Meetings of board.

Manner of Selecting Teachers.

SEC. 7. It shall be the duty of the city superintendent of schools to prepare and present to the board at suitable times or upon request of the board a list of such persons as in his judgment are the best available for election as teachers, specifying as to each whether generally or for particular work or station. Selection of teachers.

Assignment of Teachers.

SEC. 8. The city superintendent of schools shall, with the advice and consent of the board, make all assignments of principals and teachers, and all transfers, but this provision shall not prevent the superintendent of schools from making temporary transfers or substitutions. Assignment of teachers.

School Warrants.

SEC. 9. Every claim payable out of the school fund shall be filed with the secretary of the board of education, and after it shall have been approved by the board, a certificate of such approval shall be endorsed thereon signed by the president of the board and its secretary, and a warrant upon the school fund specifying the matter for which it is drawn, shall be issued thereon for the payment of such claim. School warrants.

Estimates of Expense.

SEC. 10. It shall be the duty of the board of education annually and oftener when necessary, and at suitable times, and when and in the manner provided by law, to make and to present to the officers and the boards or bodies now or hereafter designated to receive the same, careful estimates of the amount or amounts required for the adequate support and maintenance of the public schools under the control and management of the board, and in so doing shall not only comply with the requirements of the law but also use all reasonable effort and diligence to make said estimates in such form, substance and particularity as to enable the board or body charged with the taxing power to proceed advisedly in the matter of levying taxes for the support of the public schools under the charge and control of the board of education of the city. Estimates of expense.

ARTICLE XX.

DEPARTMENT OF LAW.

Organization. SEC. 1. The department of law shall consist of a city attorney, and such assistants, deputies, or clerks as the city council may prescribe.

Qualifications.

Qualifications. SEC. 2. The city attorney shall be an attorney-at-law, duly licensed to practice in all the courts of California and prior to his appointment must have been a resident of the City of Stockton for at least two years and engaged in the practice of law in the State of California for at least five years. All assistants, deputies, and law clerks of the department shall have been duly licensed attorneys-at-law of at least two years' practice at the time of their appointment.

Appointment.

Appointment. SEC. 3. The city council shall appoint the city attorney, and the city attorney shall appoint all other members of the department.

Duties.

Duties. SEC. 4. The city attorney shall be the legal adviser of and attorney and counsel for the city and for all officers, boards, and departments thereof in all matters relating to their official duties. He shall conduct and carry on all suits, actions, and proceedings in behalf of or against the city and shall prepare all contracts, bonds, and other legal instruments in which the city is interested or concerned, and shall endorse on each his approval of the form and correctness thereof or evidence such approval as to form in separate writings to be filed and preserved with the records of the council. He shall designate a member of his department to prosecute on behalf of the people all criminal cases before the police court.

He shall also prepare for the city council, all legal papers and forms necessary for the submission of municipal bond issues, and advise the city council as may be necessary in relation to municipal bond issues.

Opinions and Records.

Opinions and records. SEC. 5. The city attorney shall keep on file in his office all written opinions given by him to any officer or board, all briefs and transcripts used in causes in which he appears in behalf of the city, in bound books of record and registers of all actions or proceedings under his charge in which the city is interested, all of which shall be the property of the city. He shall deliver all books, records, reports, documents, papers, statutes, law books, and property of every description in his possession belonging to his office or to the city, to his successor in office, who shall give him duplicate receipts therefor, one of which he shall file with the city clerk.

ARTICLE XXI.

THE POLICE COURT.

SEC. 1. There is hereby created a police court in and for the City of Stockton, which is vested with all judicial powers granted by law to police courts of chartered municipalities, and which shall be presided over by the police judge.

SEC. 2. The police judge must be qualified to practice in all the courts of the State of California, and must have been so qualified for at least two years next preceeding the day of his election.

SEC. 3. Said police court shall have jurisdiction concurrently, with the justices' courts of all actions and proceedings, civil and criminal, arising within the corporate limits of the city, and which might be tried in such justices' courts; and shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty, or forfeiture prescribed for the breach of any ordinance of the city, of all actions founded upon any obligation or liability created by any ordinance, and of all prosecutions for any violation of any ordinance. The rules of practice and mode of proceeding in said police court shall be the same as are or may be prescribed by law for justices' courts in like cases; and appeals may be taken to the superior court of San Joaquin County, from all judgments of said police court, in like manner and with like effect as in cases of appeals from justices' courts.

SEC. 4. The police judge shall be judge of the police court, and shall have the powers and perform the duties of a magistrate. He may administer and certify oaths and affirmations, and may take and certify acknowledgments.

SEC. 5. In all cases in which the police judge is a party, or in which he is interested, or when he is related to either party by consanguinity or affinity within the third degree, or is otherwise disqualified, or in case of sickness or inability to act, the police judge may call upon any justice of the peace residing in the county to act in his stead.

SEC. 6. The police judge may appoint, with the confirmation of the city council, a clerk of the police court for whose acts he and his bondsmen shall be responsible. The clerk of the police court shall serve during the pleasure of the police judge, and shall be in all things under the supervision and control of the police judge, and shall have the powers and perform the duties usually performed by clerks in such courts. The clerk shall keep a record of the proceedings and issue all processes ordered by the police court and receive and pay daily to the city auditor all fines imposed by said court; he shall on such day of each month as may be fixed by the city auditor render to the auditor an exact and detailed account in writing upon oath of all fines, imposed and collected and of all fines imposed and uncollected, and all other moneys collected on behalf of the city since his last preceeding report, which

Judge.

Qualifications.

Jurisdiction and procedure.

Judge a magistrate.

Disqualification.

Clerk.

Records, reports, etc.

account shall be certified to by the judge of the police court. He may administer oaths.

Fees. SEC. 7. All fees received or collected by the police court shall be the property of the City of Stockton.

ARTICLE XXII.

FINANCE AND TAXATION.

Organization.

Organization. SEC. 1. The department of finance shall consist of the city accountant, the city purchasing agent, the city auditor, and the city treasurer.

Accounts and Records.

Accountant. SEC. 2. The city manager shall appoint a city accountant who shall serve during the pleasure of the city manager. The city accountant shall be an experienced municipal accountant. The duties of the city accountant shall be to install and keep the accounts of all departments and offices of the City of Stockton which are under the supervision, direction, or control of the city manager. The city accountant shall examine the books and accounts of all city departments and offices which are under the supervision, direction, or control of the city manager. He shall require departmental reports from all departments which are under the supervision, direction, or control of the city manager at such times as he deems necessary.

The City Purchasing Agent.

Purchasing agent. SEC. 3. The city manager shall appoint a purchasing agent who shall serve during the pleasure of the city manager.

The duties of the city purchasing agent shall be to make all purchases of materials and supplies not required by this charter to be made by the city council, and he shall perform such other duties as may be prescribed by the city manager.

The City Auditor.

Auditor. SEC. 4. The city auditor shall be appointed by the city council and shall hold office during its pleasure. He shall be an experienced accountant, preferably one who has had experience in municipal accounting. He shall, with the confirmation of the city council, appoint such deputies as the city council may prescribe for whose acts he and his bondsmen shall be responsible, such deputies to serve during the pleasure of the city auditor. He shall have charge of the assessment and collection of taxes, special assessments and all other revenues, except as provided by general law; he shall be the general accountant of the City of Stockton, and shall keep full, true, and detailed records of all cash receipts, warrants issued, all revenues accrued and liabilities incurred, and such other matters as may be required by the city council; he shall make such reports of financial transactions of the city as may be required by law or by resolutions of the city council. Finan-

cial reports shall be prepared and submitted to the council for each month and each financial year, and for such other periods as may be required by the city manager or the council. He shall keep accurate accounts with the treasurer and his records shall show at all times the exact condition of the treasury and of all appropriations and expenditures. He shall keep an official record of all demands audited by him, showing the numbers, dates, amounts, names of claimants, for what purpose and against what appropriations drawn. The auditor's office shall be the depository of all accounts, books, papers, vouchers, and all documents, pertaining to the debts, revenues, and expenditures of the city. A copy of every contract hereafter entered into, to which the city is a party, duly verified by the city clerk to be a full, true, and accurate copy, shall be filed by the city clerk with the auditor within ten days after the same shall have been executed.

SEC. 5. All taxes, assessments, license fees, and other fees accruing to the city, shall be collected and paid by the auditor to the city treasurer at least four times a month including the first business day of each month.

Collection of taxes, etc.

Payment of Claims.

SEC. 6. Payment of claims and demands against the city excepting redemption of bonds and interest coupons shall be made only upon vouchers certified by the head of the appropriate department, approved in writing by the city manager, and by means of warrants on the city treasurer issued by the city auditor.

Payment of claims.

SEC. 7. The city auditor shall examine all payrolls, bills, and other claims and demands against the City of Stockton, and shall issue no warrant for payment unless he finds the claim is in proper form, correctly computed, and duly certified; and that it is justly and legally due and payable; that an appropriation has been made therefor which has not been exhausted; that the payment has been legally authorized and that there is money in the treasury to make payment. The city auditor shall require every claim to be supported by oath as to the validity of said claim and for such purposes may examine witnesses under oath; and if he finds it fraudulent, erroneous, or otherwise invalid, he shall not issue a warrant therefor.

SEC. 8. The city auditor shall have the power to take affidavits and administer oaths in all matters relating to the business of his department, and shall make no charge therefor.

Oaths.

SEC. 9. It shall be the duty of the city auditor within the time provided by ordinance, to compute the tax rate for the various sections of the city and submit the same to the city council.

Tax rate.

SEC. 10. The city auditor shall make a report to the city manager on such day of each month as may be designated by the city council of all moneys paid to the city treasurer during the preceding month, and the funds to which said moneys have been apportioned and the amount of the warrants paid

Monthly report.

from each fund during the preceding month, and the balance remaining in each fund.

Records.

Disposition
of funds.

SEC. 11. All the records of the city auditor shall be open for inspection during office hours. He shall apportion among the several funds all money not by law, resolution, or ordinance specifically apportioned or appropriated, and forthwith notify the city treasurer of such apportionment or appropriation. All money due and payable to the city shall be paid to the city treasurer on order of the city auditor designating the fund in which said money shall be deposited. The city auditor shall keep an official record of all demands audited by him, showing the number, dates, amounts, names of claimants, for what purpose, and against what appropriations drawn.

Assessor.

SEC. 12. As assessor, the auditor shall perform all duties prescribed by this charter, by ordinance, and by general law for assessing property for the purpose of taxation.

Tax
collector.

SEC. 13. As tax collector, the auditor shall perform such duties as are prescribed by this charter, by ordinance, and by general law.

Other duties.

SEC. 14. The city auditor shall perform such other duties as may be required of him by this charter, by general law, or by ordinance or resolution of the city council.

The City Treasurer.

Appoint-
ment.

SEC. 15. The city treasurer shall be appointed by the city council and shall hold office during its pleasure. He shall appoint such deputies as the city council may prescribe, for whose acts he and his bondsmen shall be responsible, such deputies to serve during the pleasure of the city treasurer.

Duties.

SEC. 16. It shall be the duty of the city treasurer to receive and keep all moneys belonging to the city paid to him by the city auditor and to pay out the same in payment of the principal and interest of the outstanding bonds of the city, or on legal claims and demands against the city audited in the manner hereinbefore provided. He shall perform such other duties as may be prescribed by this charter, by general law, or by ordinance or resolution of the city council.

Monthly
report.

SEC. 17. The city treasurer shall make a report to the city manager on such day of each month as may be designated by the city council of all moneys paid out by the city treasurer during the preceding month, and the funds out of which said moneys have been paid, and the balance remaining in each fund.

The Fiscal Year.

Fiscal year.

SEC. 18. The fiscal year of the city shall commence upon the first day of January of each year, or at such other time as may be fixed by ordinance.

Tax System.

Tax system.

SEC. 19. The council shall by ordinance provide a system for the assessment, levy, and collection of all city taxes.

The city council shall have the power to avail itself, by ordinance, of any law of the State of California now or here-

after in force, whereby the assessment of property, the equalization of assessments and collection of taxes, and the enforcement of the collection of such taxes by sale of property or otherwise may be made by the officers of the county in which the City of Stockton is situated, for and on behalf of the City of Stockton. All provisions of the charter concerning the assessment of property, the equalization of assessments, and levy and collection of taxes by the officers of the city shall be suspended while any such ordinance remains in force.

Water Front Fund.

SEC. 20. For the purpose of providing for water front improvements, four per cent of the revenue actually collected for general purposes shall be set aside and shall be used exclusively for the maintenance, repair, operation, improvement, and development of the water front, and the facilities used in connection therewith. Water front fund.

SEC. 21. The council shall appropriate annually to the mayor, for the purposes of entertainment and sundry expense, the sum of six hundred (\$600) dollars, for which he need furnish no vouchers. Mayor's entertainment fund.

Cash Basis Fund.

SEC. 22. The council may create and maintain a revolving fund known as the cash basis fund for the purpose of keeping the payment of the running expenses of the city on a cash basis. The council shall have power to transfer from the cash basis fund to any other fund or funds such sum or sums as may be required for the purpose of placing such fund or funds, as nearly as possible, on a cash basis. It shall be the duty of the council to provide that all money so transferred from the cash basis fund be returned thereto on or before the end of the fiscal year. Cash basis fund.

Entertainment Fund.

SEC. 23. The council may appropriate and spend money from the funds of the city for any or all of the following purposes: Receptions and entertainment of public guests, assistance of public celebrations held by the city at large, to aid or carry on the work of inducing immigration to the city, to exhibit manufactured and other products of the city, and generally for the purpose of advertising the city; provided, however, that the aggregate expenditures for all of said purposes shall not exceed in one fiscal year the sum of two (2) cents on each one hundred dollars (\$100) of the assessed value of the property within the city. Entertainment fund.

Sinking Fund.

SEC. 24. The council shall annually set aside from the income derived by the city from any revenue producing public utilities which are now or hereafter may be maintained, owned or operated by the city except the city wharves as a special sinking fund for each of said public utilities, a sum which, Sinking fund.

according to the estimate of the city engineer, approved by the city manager, shall be sufficient to meet the normal depreciation in said public utility. Such fund shall be used only for replacement of the plants and equipment of said public utilities respectively.

Special Deposit Fund.

Special
deposit fund.

SEC. 25. There is hereby created a fund to be known as the special deposit fund wherein shall be deposited all moneys received by the city or any department, office or board thereof, for the purpose of guaranteeing the payment of any costs, charges, or damages accruing or liable to accrue, to the city from the depositor for the performance of any act or thing which such depositor may undertake to do or perform, including all money deposited as bail to secure the liberation of a person accused of a public offense, and all moneys required to be deposited for the purpose of indemnifying persons whose property is in danger of being damaged or destroyed by the operation of the depositor. The money so deposited may be returned to the depositor, should he become entitled to the return thereof in such manner as the city council may prescribe or upon default being made in the payment of such costs, charges, or damages, or in the performance of any of such conditions, acts, or things may be declared forfeited in whole or in part and be so disposed of as the council may direct.

Contingent Fund.

Contingent
fund.

SEC. 26. Provision shall be made in the annual budget for a reasonable contingent fund for use in any of the administrative departments of the city. Such contingent fund shall be under the exclusive control of the city manager. In case of emergency, upon written request by the head of any department, stating the facts constituting such emergency, the city manager may, in writing, authorize the transfer from the contingent fund to the credit of the department making such request of a sum sufficient to meet the proposed emergency expenditure. He shall transmit a copy of such written authority to the city auditor and likewise to the department making such request. Upon the receipt by the city auditor of such authorization, the said sum shall be available for the purpose aforesaid. The city manager shall report in writing to the council at its next regular meeting every such emergency payment, together with a statement of the facts necessitating the same.

Annual Budget.

Annual
budget.

SEC. 27. Not later than the first Monday of November of each year, or such date as may be fixed by the council, the city manager shall prepare and submit to the council a budget for the ensuing year, based upon detailed estimates furnished by the several departments and other divisions of the city government, according to a classification as nearly uniform as possible. The budget shall present the following information:

(a) An itemized statement of the appropriations recommended by the city manager for current expenses and for permanent improvements for each department and each division thereof for the ensuing fiscal year, with comparative statements in parallel columns of the appropriations and expenditures for the current and next preceding fiscal year, and the increases or decreases in the appropriations recommended; (b) An itemized statement of the taxes required and of the estimated revenue of the city from all other sources for the ensuing fiscal year, with comparative statements in parallel columns of the taxes and other revenues for the current and next preceding fiscal year, and of the increases and decreases estimated or proposed; (c) A statement of the financial conditions of the city; and (d) Such other information as may be required by the council. The council may at any time after the submission of said budget by the city manager, and before the adoption of the ordinance making the annual tax levy, adopt said budget as submitted or may modify, alter, or change the amount of the appropriation allotted for current expenses, or the amount of the appropriation allotted for permanent improvements for any department or division of the city government, or the amount of the appropriation allotted for any other purpose. If said budget be not modified, altered, or changed as in this section provided, the budget as submitted by the city manager shall be deemed to have been adopted by the city council.

SEC. 28. On or before the first Monday in December or at such date in each year as may be fixed by the council, the auditor shall complete the assessment roll, and shall attach his certificate thereto and deliver it, and the books and any maps he may have accompanying the same, and all the original lists of property given to him, to the city clerk, and the clerk shall thereupon notify the board of equalization of the fact. Said roll shall be kept in his office for public inspection. If the auditor fails to complete and file the assessment roll as hereinabove prescribed, then the previous year's valuation shall be arbitrarily used and adopted.

SEC. 29. Each year the council shall appoint five of its members who shall act as a board of equalization, which board shall meet in the council chambers of said city council on the second Monday in December of each year, or at such date in each year as shall be fixed by the council, at ten o'clock in the forenoon of said day, and shall continue in session from day to day for three days. It shall have power on its own motion with or without complaint made to correct, modify, strike out, lower or raise any assessment in any way that it shall deem just and proper; provided, however, that before making any raise in any assessment the board shall notify the person whose assessment is to be raised by letter deposited in the post office, postpaid, and addressed to such person at least two days before action taken, of the day fixed when the matter will be investigated. The board of equalization shall have power, upon com-

pletion of this equalization, to raise or lower the entire assessment by a uniform percentage. The city clerk shall act as secretary of such board, and it shall be the duty of such secretary to keep permanent records of all proceedings and to enter therein all resolutions and decisions of the board.

Annual Tax Levy.

Annual
tax levy.

SEC. 30. After completion of the equalization, the council must finally adopt, before the beginning of the ensuing fiscal year, an ordinance levying upon the assessed valuation of the property in the city subject to the provisions of this charter, a rate of taxation upon each one hundred (\$100) dollars of valuation, sufficient to raise the amounts estimated to be required in the annual budget, less the amounts estimated to be received from fines, licenses, and other sources of revenue. It shall then deliver the assessment roll to the auditor who shall compute and carry out the amount of the tax so levied upon each parcel of property contained in said assessment roll. The corrected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the auditor as being the assessment roll of said tax. If the council fails to fix the tax rate within the time hereinabove prescribed then the previous years' rate shall be arbitrarily used and adopted.

Tax Liens.

Tax liens.

SEC. 31. All taxes assessed, together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach each year as of the first Monday in the fifth month preceding the fiscal year, and may be enforced by actions in any court of competent jurisdiction to foreclose such liens, or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance; provided, that when real estate is offered for sale for city taxes thereon, the same shall be struck off and sold to the city in like case and in like manner and with like effect and with like right of redemption as it may be struck off and sold to the state when offered for sale for state and county taxes; and the council shall have power to provide for the procedure to be followed in such sales to the city and redemption thereafter.

Transfer
of funds.

SEC. 32. No part of any appropriation allotted to any department or division of the city government shall be transferred to any other department or division thereof, nor shall any moneys appropriated for specified permanent improvements be used for another purpose, unless authorized by a vote of at least six members of the city council; provided, however, that moneys cannot be transferred from permanent funds. The council may by resolution appropriate available revenues not included in the annual budget.

Audit of Accounts.

SEC. 33. As soon as practicable after the close of each fiscal year, an annual audit shall be made of all the accounts of all city officers. Such audit shall be made by qualified public accountants, selected by the council, who have no personal interest, direct or indirect, in the financial affairs of the city nor of any of its officers or employees. Report of such examinations shall be filed with the city clerk, the city manager, the city attorney, and the city auditor and copies thereof shall be supplied to the newspapers published in the city and to the public library, and shall be printed and available for distribution. Any officer, clerk or employee who shall refuse to give all required assistance and information to such accountant or to submit to him for examination such books, papers and records of his office as may be requested, shall forfeit his office.

Annual
audit of
accounts.

Depositing of City Money in Banks.

SEC. 34. The council shall have the power to avail itself by ordinance of any law of the State of California now, or hereafter in force, whereby any or all money belonging to the city may be deposited in any national bank or banks within the state, or any bank or banks organized under the laws of the state, in such manner, and under such conditions as may be provided by law; provided further that such depository bank or banks be selected from those agreeing to pay the highest rate of interest not less than two per cent. per annum for such deposit as may be determined by bids to be submitted at such times and in such manner as the treasurer may direct; and provided further that such deposit shall not exceed the paid-up capital, exclusive of reserve and surplus, of any such depository bank; and provided further that not more than twenty per cent. of the public moneys shall be deposited in any one bank while there are other qualified banks in the city requesting such deposits; and provided also that no public moneys shall be deposited in any bank outside of the city while there are other qualified banks within the city requesting such deposits on the same terms and conditions.

Deposit of
city money
in banks.

Surety Bonds.

SEC. 35. The council may, by resolution or ordinance, require a bond and fix the amount thereof from any appointive officer or employee of the city, and no officer elective or appointive, required by law, by this charter, or by ordinance, to give a bond shall be deemed qualified for his office or employment until such bond has been duly given and approved by the council. The premiums of all such bonds given by corporate sureties shall be paid by the city. The bonds of the city auditor shall be filed with the city clerk and all other bonds shall be filed with the city auditor. Bonds of surety, guaranty, indemnity, or insurance companies which are organized and empowered by law to give such bonds, may be given subject to the

Official
bonds.

requirements hereinafter contained. No bonds shall be held void because of any defect in form, recital, condition or substance, nor shall any principal or surety be discharged from liability thereon because of any such defect; but every bond shall hold and bind the parties to it to the full extent contemplated by law, the charter, or the ordinance requiring the same. No warrant in favor of any person performing any service for the city who is required to give bonds to the city shall be drawn by the auditor or paid by the treasurer unless the bond of such person shall be approved and filed as in this section provided prior to the issuance or payment of any such warrant. No bond or undertaking with a corporation or corporations as surety thereon shall be accepted or approved unless, at the time such bond or undertaking is presented for approval, there shall be filed in the office of the county clerk of San Joaquin County: (1) A certified copy of the articles of incorporation of such surety company showing the requisite powers. (2) A duly certified copy of the record of appointment authorizing the person purporting to execute such undertaking to act in the premises for and in behalf of such corporation. (3) The certificate of the insurance commissioner of the State of California empowering such corporation to do business in the State of California; and (4) A certificate showing the names and addresses of the president, vice-president, and secretary of the corporation, if it be a domestic corporation, and if a foreign one, the name and address of the person upon whom service of process is to be made within the State of California.

ARTICLE XXIII.

PUBLIC CONTRACTS AND SUPPLIES.

Letting of Certain Contracts.

Letting
of certain
contracts.

SEC. 1. The erection, improvement, and repair of all public buildings and works, all street and sewer work (not payable by special assessment on the private property benefited) and all work in or about streams or water fronts, or in or about embankments or other works for protection against overflow or erosion, and the furnishing of supplies and materials for the same, or for any other use by the city, or the purchase of any supplies to be used by the city, when the expenditures required for the same equals or exceeds the sum of fifteen hundred dollars (\$1500) shall be done by contract in writing and shall be let to the lowest responsible bidder after advertising for five consecutive days in the official newspaper for sealed proposals for the work contemplated or supplies to be furnished, except in cases of emergency as in this charter provided. Such notice shall distinctly and specifically state the work contemplated or supplies to be furnished; provided, however, the council may reject any and all bids, and in that event, or in the event that no bids are made, may re-advertise for bids, or provide for the work to be done by the city, or for the supplies to be purchased in the open market, but in no case

shall supplies be bought at a price as high as the lowest bid received from a responsible bidder.

Furnishing of Plans Open to Competition.

SEC. 2. The furnishing of plans, drawings or specifications for any proposed public building or works to cost over two thousand five hundred dollars (\$2500) shall, if not prepared or furnished by the proper city employees, be thrown open to competition in accordance with such rules as the council may prescribe.

Furnishing
of plans.

Form, Execution, and Contents of Contracts.

SEC. 3. All contracts shall be executed in triplicate and approved as to form by the city attorney. One copy of every contract with the specifications and drawings, if any, of the work to be done or the materials to be furnished, or both, as the case may be, shall be filed with the city clerk, one copy with the specifications and drawings shall be kept in the office of the city manager, and the remaining copy with the specifications and drawings shall be delivered to the contractor. All contracts shall be signed on behalf of the city by the mayor and attested by the city clerk. The contract shall specify the time within which the work shall be commenced or the supplies delivered and when said work or said delivery shall be completed, as was specified in the notice inviting proposals therefor. The council may extend said time, but in no event shall the time for the performance of any contract be extended for more than ninety days beyond the time originally set for its completion except by the affirmative vote of at least six councilmen. In case of failure on the part of the contractor to complete the contract within the time fixed in the contract or within such extension of said time, as herein provided for, the contract shall be by that fact terminated and the council shall not thereafter pay or allow him any further compensation for any work done by him under said contract and the city council may proceed to complete such contract either by reletting or otherwise, and the contractor and his bondsmen shall be liable to the city for all loss or damages which it may suffer on account of his failure to complete his contract within such time.

Contracts.

Progressive Payments.

SEC. 4. Any contract may provide for progressive payments if, in the ordinance or resolution authorizing or ordering the work, permission is given for such payments. But no progressive payments can be provided for or made at any time which, with prior payments, if there have been such, shall exceed in amount at that time seventy-five per cent. of the value of the labor done and the materials used up to that time, and no contract shall provide for, or authorize, or permit the payment of more than seventy-five per cent. of the contract price before the completion of the work done under said contract and the acceptance thereof by the proper officer.

Progressive
payments.

Auditor's Endorsement on Contracts.

Auditor's
endorsement
on contracts.

SEC. 5. No contract made, the performance of which is not provided by law or ordinance to be paid by assessment upon the property benefitting thereby, shall be binding or of any force, unless the auditor shall endorse thereon his certificate that there remains unexpended and unapplied as herein provided, a balance of the appropriation for and applicable thereto, sufficient to pay the estimated expense of fulfilling such contract, or that adequate provision therefor has been made in the tax levy. This provision shall not apply to work done, or supplies furnished involving expenditures of less than fifteen hundred (\$1500) dollars, unless the same is required by law to be done by contract at public letting. The auditor shall make such endorsement upon every contract so presented to him if there remains unapplied and unexpended such amount, or if adequate provision therefor has been made in the tax levy, and thereafter such sum shall be held and retained to pay expenses incurred until the contract shall be fully performed.

Form of Bids and Affidavit. Certified Check.

Form of
bids and
affidavit.

SEC. 6. All proposals shall be made upon printed forms to be prepared by the city and furnished gratuitously upon application, with the form for the affidavit hereinafter provided for, printed thereon. Each bid shall have thereon the affidavit of the bidder that such a bid is genuine and not sham or collusive, or made in the interest or behalf of any person not named therein, and that the bidder has not directly or indirectly induced or solicited any other bidder to put in a sham bid or any person, firm, or corporation to refrain from bidding, and that the bidder has not in any manner sought by collusion to secure to himself an advantage over any other bidder. Any bids made without such affidavit or in violation thereof, and also any contract let thereunder shall be absolutely void. All bids shall be clearly and distinctly written without erasure or interlineation and no bids containing any erasure of interlineation shall be received or considered by the council. Every bid offered shall be accompanied by a check certified by a responsible bank, payable to the order of the city auditor for an amount not less than ten per cent of the aggregate of the proposal, and no proposal made shall be considered unless accompanied by such check.

Certified
check.

No Bidder Interested in More Than One Bid.

Bidder to be
interested in
only one bid.

SEC. 7. No person, firm, or corporation shall be allowed to make or file or be interested in more than one bid for the same work or for furnishing the same materials, unless alternative bids be called for, and if, on the opening of said bids, more than one bid appear in which the same person, firm, or corporation is interested, all such bids shall be rejected, except as above provided.

Bidding For and Awarding of Contracts.

SEC. 8. On the day and at or before the hour specified in said notice inviting sealed proposals, all bids must be filed with the city clerk who shall not open or tamper with them or permit the same to be opened or tampered with, or inspected by any person whatsoever, or permit the same to leave his possession, or give any information whatsoever relative thereto until the same shall be opened and read to the council, as hereinafter provided. No bid not so delivered to the city clerk shall be considered. Each bid as it is received shall be numbered and marked "filed" by the city clerk, and authenticated by his signature. During the meeting on said date, the council shall, in open session, open, examine, and publicly declare the bids, and an abstract of each bid shall be recorded in the minutes of the council by the city clerk. The council shall at any time within twenty days thereafter award the contract to the lowest and best regular responsible bidder, unless otherwise in this charter provided. The council may reject the bid of any party who has been delinquent or unfaithful in any former contract with the city, and all bids other than the lowest and best regular bid and, on accepting such lowest and best bid, shall thereupon return to the proper party the checks accompanying the bids so rejected. If all the bids are rejected, the council shall return all the checks to the proper parties and may again invite sealed proposals as in the first instance. The check accompanying the accepted bid shall be delivered by the city clerk to the city auditor who shall immediately cash the same and pay the proceeds thereof into the special deposit fund of the city. When the contract for doing said work or furnishing said supplies has been duly entered into and the bond accompanying the same has been duly approved and filed, the city clerk shall certify said facts by voucher to the city auditor who shall draw his warrant upon the special deposit fund for the return to the contractor of the proceeds of said check. If the bidder fails or refuses to enter into the contract to do said work or furnish said supplies or to furnish the required bond, within ten days after the award shall have become final, then the proceeds of said certified check shall be forfeited to the city as liquidated damages and shall thereupon be transferred from said special deposit fund to the general fund. The council shall not have the power to relieve from or to remit such forfeiture.

Bidding for
and award
of contracts.

Collusion, Void Contract.

SEC. 9. If at any time it shall be found that the person, firm, or corporation to whom a contract has been awarded has, in presenting any bid or bids colluded with any other party or parties, then the contract so awarded shall, if the city so elect, be null and void and the contractor and his bondsmen shall be liable to the city for all loss or damage which the city may suffer thereby. In that event the council may advertise anew for bids for said work or supplies.

Liability for
collusion.

Security for faithful performance.

SEC. 10. At the same time as the execution of the contract, the contractor shall execute to the city and deliver to the auditor a bond in the amount named in the notice inviting proposals, conditioned for the faithful performance of the contract with sureties to be approved by the auditor, or shall deposit with the auditor a certified check upon some solvent bank for the amount of said bond.

Security for payment for materials, etc.

SEC. 11. At the same time as the execution of the contract, the contractor shall execute and file with the auditor a good and sufficient bond with sureties to be approved by the auditor, in a sum not less than one-half of the total amount payable by the terms of the contract, which bond must provide that if the contractor fails to pay for any materials, provisions, provenders, or other supplies or teams used in, upon, for, or about the performance of the work contracted to be done or for any work or labor done thereon of any kind, that the surety or sureties will pay the same in an amount not exceeding the sum specified in the bond; provided that such claim shall be filed as hereafter required.

Any materialman, person, company, or corporation furnishing materials, provisions, provenders, or other supplies used in, upon, for, or about the performance of the work contracted to be executed or performed, or any person, company, or corporation renting or hiring teams for or contributing to said work to be done, or any person who performed work or labor upon the same, or any person who supplied both work and materials and whose claim has not been paid by the contractor shall, within thirty (30) days from the time such contract is completed, file with the city council and the city auditor a verified statement of such claims, together with a statement that the same has not been paid.

Contracts for Official Advertising.

Official city newspaper.

SEC. 12. Except as in this charter otherwise provided, the council shall let annually contracts for the official advertising for the ensuing fiscal year. For this purpose the council shall advertise for five consecutive days, setting forth distinctly and specifically the work contemplated to be done, including the type and spacing to be used, and asking for sealed proposals therefor. The council shall let the contracts for such official advertising to the lowest and best responsible bidder publishing a daily newspaper in the City of Stockton which is a newspaper of general circulation, having a bona fide general circulation of at least two thousand (2000) copies, and which newspaper has been published in said city for two successive years prior to the time of awarding the contract, provided that the council may reject any or all bids if found excessive, and advertise for new bids. The newspaper to which the award of such advertising is made shall be known and designated as the official newspaper of the city. Except when otherwise provided in this charter, or by general law, all official publications made by the city shall be made in the official newspaper only.

Rates of Advertising.

SEC. 13. All election notices, or lists of candidates for office, department reports, ordinances, charters, or other amendments, advertising publicity affairs, or other publications required or authorized by this charter, by general law or by ordinance of the city, to be made in any newspaper, and all such publications for which the City of Stockton may be liable, shall be paid for by the city at such rates as shall not, in any event, exceed the ordinary and regular advertising rates charged other advertisers. No bills shall be paid by the city for such advertising or printing in excess of the lowest prevailing business rates. ^{Advertising rates.}

Lighting Contracts.

SEC. 14. No contract for lighting streets, public buildings, places, or offices shall be made for a longer period than five years, and every contract shall contain a stipulation providing that, if at any time during the life of the contract, any other consumer is given a lower or better rate than the one specified in the contract, the city shall be entitled to such lower or better rate. All contracts must be let to the best regular responsible bidder. ^{Lighting contracts.}

ARTICLE XXIV.

NOMINATIONS AND ELECTIONS.

Elections.

SEC. 1. Elections to be held in the City of Stockton are of two kinds: ^{Elections.}

1. General municipal elections.
2. Special municipal elections.

SEC. 2. The first general municipal election shall be held in the City of Stockton on the second Tuesday in May next following the approval of this charter by the legislature, the second general municipal election shall be held on the second Tuesday in October in the year 1924, and subsequent general municipal elections shall be held on the second Tuesday in October every two years thereafter. ^{General.}

Special Municipal Elections.

SEC. 3. All other municipal elections that may be held in the City of Stockton by the authority of this charter, of general law, or by ordinance of the city, shall be known as special municipal elections. ^{Special.}

Purpose of Special Municipal Elections.

SEC. 4. The city council shall have the power to submit to the electors of the City of Stockton, at any election any question required to be submitted by the constitution, this charter, general law, or ordinance of the city; provided, that in case such question is required by said constitution, charter, ^{Submission of propositions.}

general law, or ordinance to be submitted at a special or other particular kind of election, or within any specified time, it shall be so submitted, and not otherwise.

Declaration of Candidacy.

Declaration of candidacy.

SEC. 5. Candidates for elective offices in the City of Stockton shall be nominated in the following manner, and not otherwise. Prior to the signing of the nominating petition of any candidate, and not more than fifty nor less than thirty-five days before the day of the municipal election, the candidate shall take the following oath of affirmation, and the same shall remain as a matter of record in the office of the city clerk:

State of California, }
County of San Joaquin, } ss.
City of Stockton. }

I, _____, residing at No. _____ Street, Stockton, California, being first duly sworn, hereby declare myself a candidate for the office of _____ for the City of Stockton to be voted for at the _____ municipal election to be held in said city on the _____ day of _____ 192_____.

Signature of Candidate.

Subscribed and sworn to before me this _____ day of _____ 192_____.

City Clerk.

By _____ Deputy.

The Nomination Petition.

Names on ballots.

SEC. 6. The name of the candidate shall be printed upon the ballot when a declaration of candidacy has been filed by the candidate, and a petition of nomination has been filed in his behalf, in the manner and form and under the conditions hereinafter set forth.

Nomination petition.

SEC. 7. The petition of nomination shall contain not less than ten nor more than twenty-five signatures of electors fully qualified to sign same, and shall read substantially as follows:

PETITION OF NOMINATION OF _____

Candidate for the office of _____

State of California, }
County of San Joaquin, } ss.
City of Stockton. }

I, the undersigned, being first duly sworn, hereby join in a petition for the nomination of _____ whose residence is No. _____ Street, Stockton, California, for the office of _____ to be voted for at the _____ municipal election to be held in the City of Stockton, California, on the _____ day of _____ 192_____, and I further certify that I am

a qualified elector of the City of Stockton, duly qualified to sign this petition, residing at the place herein mentioned; that I am not at this time a signer of any other petition nominating any other candidate for the above named office; and I further declare that I intend to support for such nomination the candidate named herein.

Date-----192----

Name -----

Residence -----

City District No.-----

Subscribed and sworn to before me this-----day of -----192----

----- City Clerk.

By ----- Deputy.

SEC. 8. It shall be the duty of the city clerk to furnish the official forms of declaration of candidacy and petitions of nomination. Clerk to supply forms.

SEC. 9. Each candidate shall be nominated separately. Each signer to the petition of nomination must be a qualified elector of the City of Stockton; and in the case of a petition of nomination for a member of the city council, must reside in the same city district hereinabove provided, wherein the candidate named in the petition resides; and must not at the time of signing have signed his name to the petition of any other candidate for the same office. Qualifications of signers.

SEC. 10. Every petition of nomination must be signed at the office of the city clerk, and must be subscribed and sworn to before the city clerk or one of his deputies. Where signed.

SEC. 11. (1) Following the filing of the declaration of candidacy, a petition of nomination may be signed not earlier than forty-five days before the date of the election, and shall remain open for signatures for ten days, or until twenty-five signatures have been signed thereto. On the thirty-fifth day before the day of the election, or as soon as twenty-five signatures have been signed to the nomination petition, the city clerk shall declare the nomination closed for the purpose of examination, and shall ascertain whether the signers are duly qualified as hereinbefore provided; and if ten or more signers are found qualified, then the city clerk shall so certify and file the petition. Signing, examination, and filing of petitions.

(2) Not later than thirty days before the date of the election, or as soon as the city clerk ascertains that less than ten duly qualified signatures are on any petition, or otherwise, the city clerk shall at once notify the candidate of the deficiency, and five additional days, exclusive of the day of mailing, shall be allowed for final completion of the nominating petition. Notice herein required shall consist of depositing in the post office at Stockton, postage prepaid and registered, a letter containing such notice, addressed to the candidate at the residence named in the declaration of candidacy.

(3) If the supplemental nominating petition be found sufficiently signed as hereinbefore provided, the city clerk shall

so certify and file the petition not later than twenty-five days before the day of the election. Every original or supplemental petition of nomination so certified shall not be withdrawn or added to, and no signature shall be revoked thereafter, except as provided in the following paragraph.

(4) Any signer to any petition of nomination may withdraw his name from the same not later than thirty days before the day of the election by filing with the city clerk a verified revocation of his signature, and not otherwise. If the petition at the time of this revocation has been certified by the city clerk as sufficient, and such revocation reduces the qualified signatures to less than ten, the city clerk shall proceed under paragraph two of this section. Any elector withdrawing his name from a petition in the manner hereinbefore provided shall then be at liberty to sign a petition for another candidate for the same office.

Candidate's Withdrawal.

Withdrawal
of candidate.

SEC. 12. Any person who has presented his name as a candidate and filed a declaration of candidacy may, not later than twenty-five days before the day of election, cause his name to be withdrawn from nomination by filing with the city clerk a verified request therefor, and no name withdrawn shall be printed upon the ballot.

Certain Papers to Be Preserved By the City Clerk For two Years.

Preservation
of papers.

SEC. 13. The city clerk shall preserve in his office for a period of two years all declarations of candidacy, nominating petitions, withdrawals, and all certificates belonging thereto filed under this article.

Certification and Publication of List of Candidates.

List of
candidates.

SEC. 14. Not later than twenty days before the day of the election, the city clerk shall enter the names of the candidates nominated as hereinbefore provided in a list, with the offices to be filled, and shall certify such list to the city council as being the list of candidates nominated as required by the City of Stockton; and the city council shall cause said certified list of names, and the offices to be filled, to be published in the proclamation calling the election, at least three successive days before the day of the election, in the official newspaper of the city. Said proclamation shall conform in all respects to the general law of the State of California governing the conduct of municipal elections, now or hereafter in force, except as herein required.

Official Ballots.

Ballots.

SEC. 15. The city clerk shall cause the ballots to be printed and bound and numbered as provided by the state law, except as otherwise required in this charter. The ballots will contain the list of names and respective offices as published in the proclamation aforementioned, and shall be substantially in the following form:

1215-

This number to be torn off
by inspector
-1215-

Preferated line

General Municipal Election, Stockton, California.
(Insert date)

To vote, stamp a cross (X) opposite the name of the candidate for whom you desire to vote. All marks otherwise made forbidden. All distinguishing marks forbidden, and make the ballot void. If you wrongly mark, or tear, or deface this ballot, return it to the inspector of election, and obtain another. To vote for a person whose name is not printed on the ballot, write the name of such person under the title of the office in the blank space left for that purpose. To vote on any question, proposition or charter amendment stamp a cross (X) in the voting square after the "Yes" or after the word "No."

**INSTRUCTIONS
TO VOTERS**

CITY COUNCIL

Police Judge Vote for One School Directors Vote for Three

Propositions

District No.	Vote for One	Police Judge	School Directors	Propositions									
District No. 1	Vote for One	CHARLES FORD	CHARLES THOMPSON	<table border="1"> <tr> <td rowspan="2">Charter Amendment</td> <td>For the Amendment</td> </tr> <tr> <td>Against the Amendment</td> </tr> <tr> <td rowspan="2">Referendum Ordinance</td> <td>For the Ordinance</td> </tr> <tr> <td>Against the Ordinance</td> </tr> <tr> <td rowspan="2">Initiative Ordinance</td> <td>For the Ordinance</td> </tr> <tr> <td>Against the Ordinance</td> </tr> </table>	Charter Amendment	For the Amendment	Against the Amendment	Referendum Ordinance	For the Ordinance	Against the Ordinance	Initiative Ordinance	For the Ordinance	Against the Ordinance
Charter Amendment	For the Amendment												
	Against the Amendment												
Referendum Ordinance	For the Ordinance												
	Against the Ordinance												
Initiative Ordinance	For the Ordinance												
	Against the Ordinance												
		GEORGE PERRY	ROSE HALL										
		ROBERT POWERS	ANNA HUNTER										
District No. 2	Vote for One												
District No. 3	Vote for One												
District No. 4	Vote for One												
District No. 5	Vote for One												
District No. 6	Vote for One												
District No. 7	Vote for One												
District No. 8	Vote for One												
District No. 9	Vote for One												

Preferated line

(2) All ballots shall be precisely of the same size, quality, tint of paper, kind of type, and color of ink, so that without the number it would be impossible to distinguish one ballot from another, and the names of all the candidates printed upon the ballot shall be in type of the same size and style. A column may be provided at the right hand side for charter amendments, initiative measures, referendum ordinances, or other questions to be voted upon the general municipal election, if any, as provided for under this article. The names of the candidates for each office shall be placed upon the ballot in alphabetic order, and nothing on the ballot shall indicate the source of the candidacy, or of the support of the candidate. All charter amendments, or other propositions, if any, printed in the right hand column shall be placed on the ballot in the order in which they were filed with the city clerk.

(3) The name of any candidate who has been duly and regularly nominated, and who has not withdrawn his name as herein provided, shall be printed upon the ballot.

(4) Half inch space shall be provided at the right of the name of each candidate wherein to stamp the cross (X).

(5) Half inch space shall be left below the printed names of candidates for each office equal in number to the number to be voted for, wherein the voter may write the name of any person or persons for whom he may wish to vote; provided, that in voting for a member of the city council, the person whose name is written in must be qualified under the provisions of Section 2 of Article VI of this charter.

Sample Ballots.

Sample ballots.

SEC. 16. The city clerk shall cause to be printed sample ballots identical with the ballot to be used at the election, except as to quality and color of paper, and numbering, and shall mail one such ballot to each voter entitled to vote at such election, so that all of said sample ballots shall have been mailed at least five whole days before the day of the election.

Election Precincts—Informalities of Election.

Precincts.

SEC. 17. The city council shall divide the city districts into as many voting precincts as are required for the proper functioning of the election, and shall fully describe same, giving the boundary lines, and designating the polling places and naming the election officers in the election proclamation aforementioned.

Informalities of election.

No informalities in conducting the municipal election shall invalidate the election, if the election has been fairly conducted, and in substantial conformity to the requirements of this charter, and the election laws of the State of California.

Canvass of Returns.

Canvass of returns.

SEC. 18. The provisions of the state law relating to the qualifications of electors, the manner of voting, the duties of

election officers, the canvassing of returns, and all other particulars in respect to the management of elections, so far as they may be applicable, shall govern all municipal elections of the City of Stockton; provided, that the city council shall meet as a canvassing board and duly canvass the election returns within seven days after any municipal election.

Election Results.

SEC. 19. The candidate for police judge who shall receive the highest number of votes for said office shall be declared elected to such office. The entire electorate of the City of Stockton shall be entitled to vote for one member of the city council from each of the districts from which a councilman is to be elected, and the candidate for city councilman in each district receiving the highest number of votes shall be declared elected to such office. The candidates for school director equal in number to the persons to be elected who shall receive the highest number of votes shall be declared elected to such office.

Election results.

ARTICLE XXV.

DIRECT LEGISLATION BY THE PEOPLE.

SECTION 1. The qualified voters of the city shall have power through the initiative and otherwise, as provided by this charter and the general laws of the state, to enact appropriate legislation to carry out and enforce any of the general powers of the city or any of the specified powers of the council.

Direct legislation.

SEC. 2. The enacting clause of all ordinances submitted by initiative shall be: "BE IT ENACTED BY THE PEOPLE OF THE CITY OF STOCKTON AS FOLLOWS."

Enacting clause.

ARTICLE XXVI.

THE INITIATIVE.

SECTION 1. Any proposed ordinance may be submitted to the city council by a petition signed by registered electors of the city equal in number to the percentage hereinafter required. Such petition shall set forth the proposed ordinance and contain a request that the same be enacted into law by the city council. The signatures to such petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number and the date of signing. Each signer must verify his signature and make oath that the same is true before a notary public or a verification deputy as provided for in this article. Each petition shall further contain the name and address of the person to whom the petition is to be returned in case said petition is found insufficient.

Initiative petition.

SEC. 2. Verification deputies under this section must be qualified electors of the city and shall be appointed by the city clerk upon application in writing, signed by not less than five qualified electors of the city. The application shall set

Verification deputies.

forth that the signers thereto desire to procure the necessary signatures of electors for the submission to the city council of the proposed ordinance, and that the applicants desire the person or persons whose names and addresses are given appointment as verification deputies, who shall upon appointment be authorized and empowered to take the oath of verification of the signers of said initiative petition. Such verification deputies need not use a seal, and shall not have power to take oaths for any other purpose whatsoever, and their appointments shall continue only until all petitions, under this section, shall have been filed by the city clerk. No verification deputy shall be paid, in whole or in part, directly or indirectly, out of the city treasury. All verification deputies must, before their appointment, make and file with the city clerk an oath as to their ages, places of residence, occupation, and whether or not they are qualified electors of the city.

Examination
of petition.

SEC. 3. When an initiative petition is presented for filing to the city clerk, he shall forthwith examine the same and ascertain whether it conforms to the requirements of this charter. If found not to conform thereto, he shall then and there, in writing, designate on said petition the defect, or omission, or reason why such petition cannot be filed, and shall return the petition to the person named therein as the person to whom the same may be returned in case said petition is found insufficient. The petition may then be amended and again presented to the city clerk as in the first instance. The clerk shall forthwith proceed to examine the petition as hereinbefore provided.

Withdrawal
of names.

SEC. 4. Any signer to an initiative petition may withdraw his name from the same by filing with the city clerk a verified revocation of his signature before the filing of the petition by the clerk, and not otherwise.

If petition
be signed by
20 per cent.

SEC. 5. If the petition accompanying the proposed ordinance be signed by electors equal in number to twenty per centum of the entire votes cast at the last preceding general municipal election, and contain a request that said ordinance be submitted forthwith to the vote of the people at a special election, then the council shall either:

(a) Pass said ordinance without alteration within twenty days after the attachment of the clerk's certificate of sufficiency to the accompanying petition; subject to a referendary vote, under the provisions of the next article of this charter; or

(b) Within thirty days after the clerk shall have attached to the petition accompanying such ordinance his certificate of sufficiency, the council shall proceed to call a special election at which said ordinance without alteration shall be submitted to a vote of the people.

If petition
be signed by
10 per cent.

SEC. 6. If the petition be signed by electors equal in number to at least ten, but less than twenty, per centum of the entire votes cast at the last preceding general municipal election, and said ordinance be not passed by the council as pro-

vided in the preceding subdivision, then such ordinance, without alteration, shall be submitted by the council to a vote of the people at the next general municipal election that shall occur at any time after thirty days from the date of the clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

SEC. 7. Whenever any ordinance or proposition is required by this charter to be submitted to the voters of the city at any election either (a) the council shall cause the ordinance or proposition to be printed and it shall be the duty of the clerk to enclose a printed copy thereof in an envelope with a sample ballot and mail the same to each voter, at least three days prior to the election, or (b) the council may order such ordinance or proposition to be printed in the official newspaper of the city and published in like manner as ordinances adopted by the council are required to be published, and may order that such publication shall take the place of the printing and mailing of the ordinance or proposition and of the sample ballots as first above provided.

Publication
of proposed
ordinance.

SEC. 8. The ballots used when voting upon such proposed ordinance shall set forth in full the title thereof and shall state the general nature of the proposed ordinance and shall contain the words "For the Ordinance" and "Against the Ordinance". If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city.

Ballots.

Majority
decides.

SEC. 9. Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this article, provided that no ordinance shall be submitted twice within a year.

Limit on
submission.

SEC. 10. There shall not be held under this article of the charter more than one special election in any period of six months.

Limit on
elections.

SEC. 11. The council may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon at any succeeding general municipal election; and should such proposition, so submitted, receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly. An ordinance proposed by petition, or adopted by a vote of the people, cannot be repealed or amended except by a vote of the people.

Proposition
to repeal
or amend.

SEC. 12. The council may, by ordinance, make such further regulations as may be necessary to carry out the provisions of this article.

Further
regulations.

ARTICLE XXVII.

THE REFERENDUM.

SECTION 1. If at any time within thirty days from and after the final passage of an ordinance a petition signed by qualified electors of the city equal in number to at least ten per centum of the entire votes cast at the last preceding gen-

Petition.

eral municipal election, protesting against the passage of such ordinance, be presented to the council, such ordinance shall thereupon be suspended from going into effect or operation and it shall be the duty of the council to reconsider such ordinance, and if upon such reconsideration the ordinance be not entirely repealed, the council shall submit the ordinance, as provided in Article XXVI of this charter to the vote of the electors of the city, either at the next general municipal election or at a special election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. The provisions of Sections 1 to 4 inclusive of Article XXVI, respecting the forms and conditions of the said petition and the mode of verification and filing shall be substantially followed, with such modifications as the nature of the case requires.

Election.

SEC. 2. Any ordinance or measure that the council or the qualified electors of the city shall have authority to enact, the council may of its own motion submit to the electors for adoption or rejection at a general or special municipal election, in the same manner and with the same force and effect as is provided in this charter for ordinances or measures submitted on petition. At any special election called under the provisions of this charter, there shall be no bar to the submission of other questions to a vote of the electors in addition to the ordinances or measures herein provided for, if said other questions are such as may be legally submitted at such election. If the provisions of two or more measures approved or adopted at the same election conflict, then the measure receiving the highest affirmative vote shall control.

Regulations.

SEC. 3. The council may, by ordinance, make such further regulations as may be necessary to carry out the provisions of this article, and to adapt the provisions of Sections one to four inclusive of Article XXVI thereto.

ARTICLE XXVIII.

RECALL OF ELECTIVE OFFICERS.

Recall.

SECTION 1. Every incumbent of an elective office, whether elected by popular vote or appointed to fill a vacancy, is subject to recall by the voters of the city. The procedure to effect such removal from office shall be as hereafter in this article provided.

Petition.

SEC. 2. A petition signed by qualified electors, equal in number to twenty per centum of the entire votes cast at the last preceding general municipal election demanding an election of a successor of the officer sought to be removed, shall be addressed to the council and presented to the city clerk. The petition may request such election to be held at a special municipal election or at the next general municipal election. The petition must contain a statement of the reasons for the demand.

SEC. 3. The provisions of Sections one to four inclusive of Article XXVI respecting the forms and conditions of the petition and the mode of verification and certification and filing shall be substantially followed, with such modification as the nature of the case requires.

Forms, verification, filing, etc.

SEC. 4. If the officer sought to be removed shall not resign within five days after the petition is filed by the city clerk, and if the petition requests a special election, the council shall cause a special election to be held within forty-five days to determine whether the people will recall said officer, or, if a general municipal election is to occur within ninety days, the council may in its discretion postpone the holding of such election to such general municipal election.

Election.

SEC. 5. In the published call for the election there shall be printed in not more than two hundred words the reasons for demanding the recall of the officer as set forth in the recall petition, and in not more than two hundred words the officer may justify his course in office.

Statement.

SEC. 6. The officer sought to be removed shall be deemed a candidate and, unless he resigns, his name shall be printed on the ballot. The nomination of other candidates and the election shall be in accordance with the provisions of Article XXIV.

Candidates.

SEC. 7. The officer sought to be removed shall, if he does not resign, continue to perform the duties of his office until the election, and, if he fail of election, he shall be deemed removed from office.

When removal effective.

SEC. 8. No recall petition shall be filed against any officer until he has actually held his office for at least three months.

Limitation.

SEC. 9. No person who has been recalled from an elective office, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to any office within one year after such recall or resignation.

Appointment of removed officer.

SEC. 10. The council may by ordinance make such further regulations as may be necessary to carry out the provisions of this article, and to adapt the provisions of Sections one to four, inclusive, of Article XXVI thereto.

Regulations.

ARTICLE XXIX.

FRANCISES.

Property Inalienable.

SECTION 1. The title and rights of the city in and to the water fronts, wharf property, land under water, public land, all other public places, and property, except as otherwise provided in this charter, are hereby declared inalienable.

Property inalienable.

Must Have a Franchise.

SEC. 2. No person, firm or corporation shall ever exercise any franchise, permit, or privileges to construct, maintain, or operate street, suburban, interurban, or steam railroads, or other means of transportation under, in, upon, over, across,

Franchise to use public property.

or along any street, highway, alley, levee, or other public place, or to lay pipes, or conduits, or to erect poles or wires or other structures in, upon, over, across, or under any street, highway, alley, levee, or other public place in the city for the transmission of gas, electricity, steam, oil, air, or other substances, or for any purpose whatsoever or for the use of public property, grounds or places now or hereafter belonging to the city except as and in so far as, he or it may be entitled to do so by direct authority of the Constitution of the State of California, unless under the authority of a grant obtained in accordance with the provisions of this article.

Franchises Must Be In Accordance Herewith.

Must
comply.

SEC. 3. All franchises which may hereafter be granted shall be granted in the manner and upon the conditions in this article provided.

Superseding Franchises.

Superseding
franchises.

SEC. 4. The council may upon application of the holder of more than one existing franchise pertaining to the same utility, or public service, grant a franchise for a term of years not exceeding fifty years to such holder to supersede all of the said existing franchises.

New, Renewal and Extension Franchises.

New fran-
chises, etc.

SEC. 5. New franchises and renewals of existing franchises or extensions of existing franchises may be granted for a term of years not exceeding fifty years, provided, however, that no franchise granted for a term of years in renewal or extension of an existing franchise or franchises of the applicant shall be for a longer period than the life of the franchise having the longest period yet to run, held by the applicant for the same utility or public service.

Percentage of Receipts Required.

Payments
to city.

SEC. 6. No franchise in this article mentioned, except an interurban steam or commercial railroad franchise shall be granted excepting upon condition that a percentage of the gross annual receipts derived from the use of such franchise shall be paid to the city, such percentage of gross annual receipts to be fixed and determined in and by the ordinance granting the franchise. If such franchise be a new one, the city council may in the ordinance granting any such new franchise waive the payment of such percentage during the first five years of the existence of such new franchise, but if the franchise be a superseding franchise, or one granted in renewal of an existing franchise, said percentage shall be computed from the grant of the franchise and be paid to the city annually thereafter.

Audit of Books.

Audit of
books.

SEC. 7. The city council by and through such officers of the city as the council may designate, or such qualified public

accountants as the council may employ for that purpose, shall have the right at all reasonable times to examine all books, papers, and records of any firm, person, or corporation exercising or enjoying any franchise, permit, or privilege granted by the city for the purpose of verifying any of the statements or reports required and for any other purpose whatsoever connected with the duties or privileges of the person, firm, or corporation arising under this charter, or from the ordinance granting the franchise, permit, or privilege and may audit the same at such times as the city council may determine.

Police Regulation.

SEC. 8. The grant of every franchise, permit, or privilege shall be subject to the right of the city whether or not reserved in such grant to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodation of the public, including among other things the right to pass and enforce ordinances to protect the public from danger or inconvenience in the operation of any work or business authorized by the granting of the franchise, permit, or privilege, and the right to make and enforce all such regulations as shall reasonably be necessary to secure adequate, sufficient and proper service and accommodations for the people, and to insure their comfort and convenience.

Police regulations.

Rates and Charges.

SEC. 9. The granting of any franchise, permit or privilege shall be subject to the right of the city whether or not reserved in such grant, to prescribe and regulate rates, fares, exchange of transfers, rentals or charges to be made by the grantee for the service rendered under such franchise, permit, or privilege, except when such matters are regulated by state or federal authorities. The granting of any franchise, permit, or privilege for a street railway or a suburban railroad may provide that all United States mail carriers while in uniform and all policemen and firemen in the city while in the actual discharge of their duties shall be allowed to ride in and upon all street cars on such railroads within the boundaries of such city without paying any fare therefor, and with all the rights of other passengers, and that children coming to and from school shall ride at not more than one-half the regular fare.

Rates and charges.

Efficiency of Service.

SEC. 10. Every ordinance granting any franchise, permit or privilege shall expressly provide for the maintenance of the plant and fixtures to be constructed thereunder at the highest practical standard of efficiency at all times, and shall further provide that a wilful failure and neglect of the grantee after reasonable notice to observe all of the requirements of such ordinance including the standards of efficiency and service prescribed by the city council, shall be a ground for the forfeiture of such franchise, and all rights, privileges, and benefits accruing to the grantee thereunder or at the option

Efficiency of service.

of the city, for such action as may be appropriate for the enforcement thereof.

Right of the City to Purchase.

Right of
city to
purchase.

SEC. 11. Every ordinance granting a franchise, permit, or privilege (except a franchise, permit or privilege for an interurban, steam or commercial railway) shall reserve to the city the right at the end of any ten year period, and upon six months' notice, to purchase the property of the holder thereof, used and useful in exercising the same, at a price to be determined by the railroad commission of the State of California, or its successors, or on failure or refusal of such commission or its successors to act, then by three appraisers, one appointed by the holder of the franchise, permit or privilege, one by the council and the third by the two so appointed. The cost of such appraisal shall be borne equally by the city and the holder of the franchises. The price of the property shall be fixed in accordance with the then existing rules of the railroad commission of the State of California, or its successors, but in no event shall the value of the franchise itself be included in such price. If the price so fixed be deemed satisfactory to the council it may by ordinance purchase the said property for the city in accordance with the provisions of this charter, and upon payment of the purchase price, the right of the city to purchase said property shall be deemed exercised and the purchase completed and the franchise, permit or privilege, if still alive, shall terminate and the property so provided by the city shall become the property of the city, provided, however, that no ordinance providing for the purchase of any such property by the city at any price whatever shall take effect within sixty days after its passage, during which period it shall be subject to the referendum provisions of this charter.

Right to Assume Obligations of Utilities.

Right to
assume
obligations.

SEC. 12. In acquiring public utilities, or the properties of any person, firm, or corporation, the city may purchase the same subject to existing bond issues and other obligations thereof, whether secured by mortgages or deeds of trust against the property of such person, firm, or corporation, or not, and may assume and pay such obligations as a part of the purchase price.

Lease and Assignment of Franchises.

Conveyance
of franchise.

SEC. 13. No franchise, permit, or privilege granted by the city (except for an interurban, steam, or commercial railroad) shall be let, assigned or leased, or otherwise alienated without the express consent of the city given by ordinance, and no dealings on the part of the city with any purchaser, lessee, or assignee to require the performance of any act or payment of any compensation by such purchaser, lessee or assignee shall be deemed to operate as such consent, provided that nothing herein contained shall be construed to prevent the grantee from the city of such franchise, permit or privilege

from including it in a mortgage or deed of trust executed for the purpose of obtaining money for corporate objects.

Keeping Streets in Repair.

SEC. 14. Every grant of any franchise, permit, or privilege, in, over, under or along any of the streets, highways, levees or other public places in the city for railway purposes shall be subject to the conditions that the person, firm or corporation exercising or enjoying the same shall keep in repair, repave or remacadamize the entire length of such street, highway, levee or other public place used by the track or tracks of such railway or railroad, and between the rails and for a distance of two feet on each side thereof, and between the tracks, if there be more than one, so as to make the same conform to the balance of the street, provided, however, that the city council shall bear the expense of removing or replacing any paving when the removal or replacing thereof is caused by a change of the street grade established after the laying of the original track. All street work, repairs, and improvements must be done with such materials, and in such time, and in such manner as the city manager may prescribe, and must be done under the supervision of, and completed to the satisfaction of the city engineer. Every grant of any such franchise, permit, or privilege shall be subject to the condition that the acceptance of such grant by the grantee thereof shall constitute an authorization on the part of such grantee for the city engineer to do the work and furnish the materials necessary for the repairing, repaving, or remacadamizing, in the event that such grantee fails, refuses, or neglects to do the same within a reasonable time after written demand of the city manager, and all sums reasonably expended in doing such work and furnishing such materials shall be repaid to the city by such grantee.

Paving and repair of right of way.

Fire and Police Alarm Wires.

SEC. 15. Every grantee of any franchise, permit, or privilege authorizing the use of any street, highway, alley, levee, or other public place of the city for the purpose of constructing, erecting, laying down, and maintaining any poles, towers, or other structures above the surface for the carriage of wires, shall contain the condition that the city shall have the right to use such poles, towers, or other structures without cost for the carriage of the police and fire alarm wires of the city, and the further right to attach its call boxes to any of such poles or towers; provided, however, that the city shall assume all liabilities for damages for personal injuries caused or occasioned by the construction and maintenance of said police and fire alarm systems.

Fire and police alarm wires.

Levees.

SEC. 16. In any grant of any franchise authorizing any railroad track to be laid down, maintained, or operated or used for the storage of cars upon any levee owned, built or

Tracks on levees.

maintained by the City of Stockton, it must be inserted as a condition thereof that the grantee will whenever required by the city authorities, at its own cost and expense raise so much of said levee or levees used by its track or tracks, and between the rails and for a distance of two feet on each side thereof, to the height and grade prescribed by the city, or as nearly as may be practicable; all of such work shall be done simultaneously with the work done on the remainder of such levee or levees by the city, and with the same kind of material.

Joint Use of Bridges.

Joint use
of bridges.

SEC. 17. In the event that any such franchise is granted authorizing the use of any street, highway, alley, levee, or other public place within the city for the purpose of constructing, maintaining, and operating any track or tracks laid to any bridge or bridges, across the navigable waters within the city, the grantee thereof must agree as a condition of such grant to permit any and all such other roads to use such bridge or bridges for the transportation of trains, locomotives, cars, and other rolling stock upon being paid a fair proportion of the cost of construction and operation of such bridge or bridges, and of the maintenance thereof while so used by such road or roads.

Joint Use of Tracks.

Joint use
of tracks.

SEC. 18. Every such franchise shall be granted upon the further condition that any steam or interurban railroad now doing business within the city, or that may hereafter enter the city shall have the right to have its cars delivered to and returned from any warehouse, switch, terminal, spur track, wharf, manufacturing establishment, or other place within the city used for loading or unloading cars and reached by any track or tracks of such grantee without delay, discrimination, or favoritism of any kind, upon payment of a just and reasonable charge therefor, and until or unless such switching charges are established and fixed by federal or state authority, the city council shall have the right to fix and prescribe the charges to be exacted for such service.

Location and Dimension of Structures.

Location,
dimension,
etc., of
structures.

SEC. 19. Every ordinance granting a franchise, permit or privilege shall, except a franchise for the transmission of gas, electricity, or other substances for light, heat, power or telegraph service, specify the location and position of all work to be done thereunder, the kind of wires to be used, if any, and the manner of laying the same, the precise location and dimensions of all buildings, wharfs, docks, landings, conduits, tunnels, pipe lines, poles, tanks, wires, and all other structures, and the materials to be used, and the method of constructing or bracing the same, and every such ordinance shall reserve to the council the power to require changes of material, location, or method of constructing or bracing wher-

ever in its judgment such changes may be necessary for the public safety or convenience. An ordinance granting a franchise, permit or privilege for the transmission of gas or telegraph service to be furnished to the inhabitants of the city, or any part thereof, shall specify the exact geographical part of the city to be served unless the whole city is to be served.

Permit to Disturb Street.

SEC. 20. Digging-holes, trenches, ditches or making openings or excavations of any kind for any purpose on any street, highway, alley, or other public place by any person, firm, or corporation is prohibited, except upon application to, and permit granted by the city engineer, who shall have authority to prescribe how much work shall be done, how the holes, trenches, ditches, and openings, shall be filled or back filled, when said work may be commenced, and when finished; every permit granted pursuant to the provisions of this section shall be made upon the condition that in the event the grantee fails, refuses, or neglects, within a reasonable time after written demand of the city manager, to complete said work or to restore such street, highway, levee or other public place to a condition equal to or better than the condition it was in before such opening or excavation was made, and to maintain the same in such condition, the city engineer may do the work and furnish the materials necessary therefor, and all sums reasonably expended for such purpose shall be repaid to the city by such grantee.

Permit to disturb street.

SEC. 21. No such application shall be granted before the applicant has filed with the city auditor a bond or cash deposit in a sum satisfactory to the city manager that such street, highway, levee, or other public place shall be restored to a condition equal to or better than the condition it was in before such opening was made, and shall be maintained in such condition. An applicant for such permits may file one bond to cover all such work during a year, if desired, in such amount as the city manager shall deem necessary to save the city harmless from all damage. Any cash deposit made pursuant to the provisions of this section shall be retained by the auditor for the period of one year after the completion of the work for which such application was granted. Any bond filed pursuant to the provisions of this section shall be kept in full force and effect for the full amount thereof for a like period.

Bond for restoration of street

Construction to Be Approved by City Manager.

SEC. 22. No work shall be commenced under the provisions of any franchise, permit, or privilege in, upon, over, across, along or under any street, highway, alley, levee, or other public place, within the city unless and until plans, and specifications therefor have been filed with, and approved by the city manager, nor unless and until suitable maps showing the precise location in, upon, over, across, along or under any street, highway, alley, levee or other public place within the

Approval of construction.

city of all tracks, conduits, tunnels, towers, pipes, poles, or other structures, and of all wires attached thereto which such grantee proposes to lay down, erect, construct, maintain, equip, and operate shall be filed with the city manager. Such maps must be filed before any work of constructing shall be commenced, and when filed shall, together with the plans and specifications be retained in the office of the city clerk as public records thereof, and shall be open to the inspection of the public at all times during office hours. No conduits, tunnels, towers, pipes, poles, wires, or other structures for the transmission of gas, electricity, or other substances for light, heat, power, or telephone or telegraph service to be furnished to the inhabitants of the city or any portion thereof shall be laid down, erected, constructed, maintained in, upon, over, across, along, or under any street, highway, alley, levee, or other public place unless the precise location of all said conduits, tunnels, towers, pipes, poles, wires or other structures be first approved by the city manager. The city manager shall not approve any plans or specifications for the location of any structure submitted by the grantee of any such franchise, permit, or privilege, unless the same are found to be in conformity with the provisions of the ordinance making such grant.

Time of Commencement and Completion of Work.

Time limit
on work.

SEC. 23. Construction work under any franchise, permit or privilege granted in accordance with the terms of this article shall be commenced in good faith within the time specified in the ordinance, or, if no time is specified, then within four months from the taking effect of the ordinance granting such franchise, permit, or privilege, and if not so commenced within said time, said franchise, permit or privilege shall be forfeited. Work under any franchise, permit, or privilege shall be completed within the time fixed for such completion in the ordinance granting such franchise, permit, or privilege, and if no time be fixed, then within three years after the date of the taking effect of the ordinance granting the franchise, permit, or privilege, and if not completed within said time, said franchise, permit, or privilege, may be forfeited; provided, however, that should the prosecution of said work or any part thereof be enjoined by any court or other tribunal of competent jurisdiction, the time during which the injunction remains in force shall not be included in determining the period hereinbefore limited for the completion of such work.

Other Stipulations or Conditions.

Other terms
and
conditions.

SEC. 24. Nothing in this charter shall operate in any way to limit except as specifically herein stated, the discretion of the city council, or the electors of the city in imposing such terms and conditions in any franchise to be granted as may be deemed proper.

No Exclusive Use of Water Front Track.

SEC. 25. No exclusive franchise, right or privilege shall ever be granted by the city, or the city council, in, upon or along the water front, but any franchise, right or permit for a railroad track in, over or along the water front shall be subject to the right of any other railroad or railroads to use the same upon payment of a reasonable compensation.

No exclusive use of water front track.

Application for Franchises.

SEC. 26. An applicant for a franchise, permit or privilege shall file an application therefor with the city council in which application there shall be set forth such facts as may be required by the city council.

Application for franchises.

Giving Notice of Hearing of Application.

SEC. 27. Upon receipt of an application for any franchise (except an application for an interurban, steam, or commercial railway) the city council if it be disposed to grant the same must require each applicant to deposit with the city treasurer, either in cash or by certified check payable to the city, a specified sum not less than two hundred fifty (\$250) dollars, nor more than two thousand (\$2,000) dollars, as a guarantee of the good faith of the applicant, and as a fund out of which to pay all expenses incurred by the city connected with such application including the cost of publication in the event that the franchise, permit, or permit is awarded the applicant, or be not awarded at all. Such deposit, in the event the franchise is granted, shall be retained until the approval and filing of the bond hereinafter provided for, whereupon the remainder of the deposit, after the payment therefrom of the expenses incurred by the city in connection with the publication of notice, and of the franchise and other costs incident to the hearing of said application, shall be returned to the applicant.

Deposit for costs, etc.

Upon the making of such deposit the city council shall fix a time (not less than thirty days, nor more than sixty days from the date of the order fixing the same) and a place for a public hearing of the said application, and shall publish, for ten consecutive days, Sundays and legal holidays excepted, a notice in the official newspaper of the city, setting forth the making of such application, the date therein contained, and in a general way a brief description of the franchise, privilege or permit applied for, and the time and place fixed for a public hearing thereon.

Time and notice of hearing.

An affidavit in proper form establishing the fact of such publication must be filed with the city clerk prior to the date set for the hearing.

Remonstrance or Protest.

SEC. 28. At any time prior to the date fixed for the hearing written objections, remonstrances or protests to the granting of said franchise, permit, or privilege may be filed, and

Remonstrance or protest.

any person may appear at said hearing and be heard upon the matter of said application for said franchise, permit or privilege.

Hearing of Application and Granting of Franchise.

Hearing and
action on
application.

SEC. 29. At the appointed time, or at the time to which said hearing may be postponed, the city council shall proceed to hear and consider such application, and all remonstrances, objections, or protests, if any, against the granting of such franchises. If in the judgment of the city council no sufficient reason appears why the permit or franchise requested should not be granted, it may within sixty days after said hearing grant to the applicant a franchise in conformity with the terms of the application, or such modifications thereof as the city council shall deem to be for the public interests, and upon the terms and conditions of the article applicable thereto, or the council may deny the granting of the said franchise, permit or privilege.

Bond on Granting of Franchises.

Bond for
performance
of
conditions.

SEC. 30. The applicant or person to whom any franchise, permit, or privilege is granted under this article, shall within ten days after the passage of the ordinance granting the same, file a bond running to the city to be approved by the city council in the penal sum prescribed by the city council and set forth in the ordinance granting the same, conditioned that such grantee shall well and truly observe and faithfully perform each and every term and condition of such franchise, permit, or privilege, and that in the event that a breach is made in such conditions of the franchise, permit, or privilege, the whole amount of the penal sum therein named shall be forfeited to the city as liquidated damages. In case such bond shall not be filed the grant of such franchise, permit, or privilege shall be set aside, and any money deposited in connection with the award of such franchise, permit, or privilege shall be forfeited. The bond provided for in this section shall be kept in full force and effect during the term of such franchise, permit, or privilege.

Ordinance
granting
franchise.

SEC. 31. All grants of franchises, permits, or privileges shall be made by ordinance passed by the affirmative vote of at least six members of the council and no such ordinance shall be an emergency ordinance, nor go into effect within sixty days from the date of the passage thereof during which time it shall be subject to the referendum provisions of this charter. Any ordinance granting a franchise, permit, or privilege must within ten days after passage by the council be published at least three consecutive times in the official newspaper of the city.

Termination of Franchises.

Termination
of franchise.

SEC. 32. Any franchise may be forfeited and terminated for a wilful breach of a material term or condition thereof, or the holder thereof may, with the consent of the city, and on

such terms as may be fixed by the city council surrender the same. During the term of any franchise the city shall have the right at any time upon six months' notice at the end of any ten year period, from the commencement of operation under the ordinance granting the franchise, to purchase the property of the holder thereof as is hereinbefore provided. Upon the expiration or other termination of the corporate life of a corporation, any franchise held by it may, at the option of the city, be cancelled and terminated. The terms of all franchises superseded by a superseding franchise shall end, if and as soon as the ordinance granting the superseding franchise shall go into effect.

Revocable Permits.

SEC. 33. Permits revocable at the will of the city council for minor or temporary public utility privileges may be granted and revoked by the city council from time to time in accordance with the terms and conditions to be prescribed by the ordinance granting the same, and such permit shall not be deemed to be a franchise as the term is used in this charter. Such ordinance, however shall be subject to the same procedure as an ordinance granting a franchise and shall not be passed as an emergency measure.

Revocable permits.

ARTICLE XXX.

MISCELLANEOUS.

SEC. 1. For the first general municipal election, nominating and electing officers, canvassing votes and declaring the results of such election, and in all matters incidental thereto or necessary therefor, this charter shall take effect and become operative upon its approval by the legislature of the State of California; for the sole purpose of electing a city manager it shall take effect upon the certification of the election of the members of the city council as herein provided. For all other purposes this charter shall take effect on the second day of July next following its approval by the legislature.

Charter takes effect.

SEC. 2. The members of the first council elected hereunder shall have the power and it shall be their duty within five days after the date of the certification of their election to qualify and organize for the sole purpose of appointing a city manager, as hereinbefore provided, and the city council shall, if practicable, prior to the said second day of July following their election, appoint a city manager whose active service shall begin on that day.

Appointment of city manager.

SEC. 3. The council in office at the time this charter takes effect shall provide for the holding of the first election of officers under this charter and shall canvass the votes and declare the results thereof.

First election.

SEC. 4. All officers and employees of the city at the time this charter takes effect shall continue to hold and exercise their respective offices or employments under the terms of this

Continuance in office.

charter, until the election or appointment and qualification of their successors.

Constitutionality.

SEC. 5. If any section or part of a section of this charter proves to be invalid or unconstitutional, it shall not be held to invalidate or impair the validity or constitutionality of any other section or part of a section, unless it clearly appears that such other section or part of a section is dependent for its operation upon the section or part of a section so held invalid or unconstitutional.

Continuance of ordinances.

SEC. 6. All ordinances, resolutions, and regulations in force at the time this charter takes effect, and not inconsistent therewith, are hereby continued in force until amended, repealed or rescinded.

CERTIFICATE.

Certificate.

WHEREAS, the City of Stockton for years last past has been and now is a city containing a population of more than three thousand five hundred (3,500) inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

WHEREAS, on the second day of May, 1922, at a special municipal election duly held on that day in said city under and in accordance with the provisions of Section eight of Article XI of the Constitution of the State of California, the electors of said city did duly choose and elect Joseph M. Campodonico, John Charlesworth, Mae A. Clarke, Morris Davidson, George A. Deane, R. Raymond Haas, Thomas S. Louttit, John T. Lewis, C. B. Pearson, Dewey R. Powell, Arthur F. Roberts, T. R. Sibley, Otto E. Sandman, Alice Smallfield Schneider, B. F. Walker who were all electors of said city and eligible as candidates under said section, a board of freeholders to prepare and propose a charter for the government of said city; and

WHEREAS, the result of said election was duly declared by the legislative body, to-wit, the council of said city on the ninth day of May, 1922, and the said electors thereafter duly qualified as such freeholders in accordance with law; and Whereas BE IT KNOWN that in pursuance of the provisions of said constitution and within the period of one hundred and twenty days after the result of said election was so declared, the board of freeholders has prepared and does now propose the foregoing as and for the charter of the City of Stockton; and BE IT FURTHER KNOWN, that the said board of freeholders hereby requests said council to cause the publication of said proposed charter as provided by said section eight of article XI of the constitution of the State of California, and fixes, Tuesday, the 28th day of November, 1922, as the date for holding a special municipal election in said city at which the proposed charter shall be submitted to the electors of said city for their ratification and adoption.

IN WITNESS WHEREOF, we the undersigned, duly elected and qualified freeholders, have hereunto set our hands

at the City of Stockton, County of San Joaquin, State of California, this first day of September, 1922.

JOHN T. LEWIS, President,
 DEWEY R. POWELL, Vice President,
 THOMAS S. LOUTTIT, Secretary,
 MAE A. CLARKE,
 ALICE SMALLFIELD SCHNEIDER,
 B. F. WALKER,
 ARTHUR F. ROBERTS,
 JOHN CHARLESWORTH,
 GEORGE A. DEAN,
 T. R. STRIBLEY,
 OTTO E. SANDMAN,
 C. B. PEARSON,
 R. RAYMOND HAAS,
 MORRIS DAVIDSON,

Freeholders of the City of Stockton.

The board of freeholders of the City of Stockton hereby request the council of said city to cause the publication of the foregoing proposed charter in the manner provided by law and fixes Tuesday, the 28th day of November, 1922, as the date for holding a special municipal election in said city at which the city charter shall be submitted to the electors of said city for their ratification and adoption.

Dated, September 1, 1922.

JOHN T. LEWIS, President,
 DEWEY R. POWELL, Vice President,
 THOMAS S. LOUTTIT, Secretary,
 MAE A. CLARKE,
 ALICE SMALLFIELD SCHNEIDER,
 B. F. WALKER,
 ARTHUR F. ROBERTS,
 JOHN CHARLESWORTH,
 GEORGE A. DEAN,
 T. R. STRIBLEY,
 OTTO E. SANDMAN,
 C. B. PEARSON,
 R. RAYMOND HAAS,
 MORRIS DAVIDSON,

Freeholders of the City of Stockton.

Filed, September 5th, 1922, (11:40 a. m.).

A. J. BANKS,

City Clerk of the City of Stockton, County of
 San Joaquin, State of California.

I, A. L. BANKS, City Clerk of the City of Stockton, State of California, hereby certify that the foregoing is a full, true and correct copy of the proposed charter of the City of Stockton as prepared and proposed by a Board of fifteen Freeholders thereof, and of the certificate of said board of free-

holders thereto attached, and filed in the office of the City Clerk of said city on the 5th day of September, 1922.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Stockton this 12th day of January, 1923.

[SEAL.]

A. L. BANKS,
City Clerk of the City of Stockton,
State of California.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of said city to be affixed this 12th day of January, 1923.

[SEAL.]

D. P. EICKE,
Mayor of the City of Stockton.
A. L. BANKS,
City Clerk of the City of Stockton,

Approval by
legislature.

AND WHEREAS, Said charter has been submitted to the legislature of the State of California for approval or rejection, without alteration or amendment, in accordance with section eight of article eleven, of the constitution of the State of California; now, therefore, be it

Resolved by the senate of the State of California, the assembly thereof concurring, a majority of all the members elected to each house voting therefor, and concurring therein, that said charter, as presented to and ratified by the qualified electors of said city of Stockton, be, and the same is hereby approved as a whole as and for the charter of said city of Stockton.

CHAPTER 8.

Senate Concurrent Resolution No. 6—Approving six certain amendments to the charter of the city of Los Angeles, in the county of Los Angeles, State of California, voted for and ratified by the electors of said city of Los Angeles at a special municipal election held therein on the seventh day of November, 1922.

[Filed with Secretary of State January 29, 1923.]

Los Angeles
city charter
amendments

WHEREAS, The city of Los Angeles, in the county of Los Angeles, State of California, contains a population of over five hundred seventy-six thousand inhabitants and has been, ever since the year 1889, and is now, organized and acting under a freeholders' charter, adopted under and by virtue of section eight, article eleven of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the twentieth day of October, 1888, and approved by the legislature of the State of California on the thirty-first day of January, 1889 (Statutes of 1889, page 455); and

WHEREAS, On the twenty-sixth day of June, 1922, which date was not less than sixty days prior to the general election next preceding the regular session of the legislature; there was filed with the legislative body of said city of Los Angeles, to wit, the council of said city, a petition signed by fifteen per cent and more of the registered electors of said city of Los Angeles requesting said council to submit to the electors of said city one amendment to the charter of said city; and

Los Angeles
city charter
amend-
ments.

WHEREAS, The legislative body of said city, namely the council of said city, did pursuant to the provisions of section eight of article eleven of the constitution of the State of California, by resolutions adopted September 26, 1922, duly propose to the qualified electors of said city of Los Angeles eleven amendments to the charter of said city and did by resolution adopted September 27, 1922, duly propose to the qualified electors of said city of Los Angeles, five amendments to the charter of said city of Los Angeles, and by said resolutions ordered that said amendments be submitted to said qualified electors of said city at a special municipal election to be held in said city on the seventh day of November, 1922, which date was fixed in said resolution as the date for holding said special municipal election; and

WHEREAS, Said charter amendment proposed by said petition was by resolution of said council designated as charter amendment No. 8-a, and said charter amendments proposed by said resolution of said council adopted September 26, 1922, were by resolution of said legislative body designated as charter amendments Nos. 1-a, 2-a, 3-a, 4-a, 5-a, 6-a, 7-a, 9-a, 10-a, 11-a, and 12-a, and said charter amendments proposed by said resolution adopted September 27, 1922, were by resolution of said legislative body, designated as charter amendments Nos. 13-a, 14-a, 15-a, 16-a and 17-a.

WHEREAS, Said charter amendments 1-a, 2-a, 3-a, 4-a, 5-a, 6-a, 7-a, 8-a, 9-a, 10-a, 11-a, and 12-a were, and each of them was on September 27, 1922, duly published in the Los Angeles Daily Journal, a daily newspaper of general circulation in said city of Los Angeles, and a newspaper designated by said council for that purpose; that said charter amendments Nos. 13-a, 14-a, 16-a and 17-a were and each of them was on September 28, 1922, duly published in the Los Angeles Daily Journal, a daily newspaper of general circulation of said city of Los Angeles, and a newspaper designated by said council for that purpose; and said charter amendment No. 15-a was on September 28, 1922, duly published in the Los Angeles Evening Express, a daily newspaper of general circulation of said city of Los Angeles, and a newspaper designated by said council for that purpose; that all of said proposed amendments were printed in convenient pamphlet form and from September 27, 1922, to November 7, 1922, both inclusive, a notice was published in the Los Angeles Daily Journal, a daily newspaper of general circulation in said city, that such copies could be had upon application therefor at the office of the city

Los Angeles
city charter
amend-
ments.

clerk of said city, and from September 28, 1922, to November 7, 1922, both inclusive, a separate notice was published in said the Los Angeles Daily Journal, that such copies could be had upon application at the office of the city clerk of said city, and from said September 28, 1922, to November 7, 1922, both inclusive, a notice was published in the Los Angeles Evening Express, a daily newspaper of general circulation in said city, that such copies could be had upon application therefor at the office of the city clerk of said city; and

WHEREAS, The city council of said city did by ordinance designated as Ordinance No. 44,905 (new series), which was duly adopted on October 30, 1922, order the holding of a special municipal election in said city of Los Angeles on the seventh day of November, 1922, which said date was more than forty and less than sixty days after the completion of the publication of said thirteen proposed amendments aforesaid, which said ordinance was approved by the mayor of said city on October 30, 1922, and was published five times prior to the time for the holding of said election, to wit, on October 31, 1922, and on November 1 to 4, 1922, inclusive, in the Los Angeles Daily Journal, a daily newspaper printed and published in said city and said council of said city did by said Ordinance No. 44,905 (new series) order said special municipal election consolidated with the general state election to be held in said city on the seventh day of November, 1922; and

WHEREAS, Said special municipal election was held in said city of Los Angeles on the seventh day of November, 1922, which day was more than forty days and less than sixty days after said proposed amendments to said charter had been published once in the Los Angeles Daily Journal; which said election was held during the six months next preceding a regular session of the legislature; and

WHEREAS, Thereafter, the board of supervisors of said county of Los Angeles did, in the manner provided by law, duly and regularly canvass the returns of said election, and did, on November 28, 1922, duly certify to the council of said city of Los Angeles the result of the canvass of said returns of said special municipal election; and the council of said city did, by resolution adopted on December 1, 1922, duly declare the result of said special municipal election as determined from the canvass of the returns thereof; and

WHEREAS, At said special municipal election held on said seventh day of November, 1922, six of said proposed amendments were ratified by a majority of the electors of said city voting thereon, to wit, charter amendments Nos. 8-a, 10-a, 11-a, 13-a, 14-a and 17-a, and that all other amendments received less than a majority of the votes of the qualified electors voting thereon, and were not ratified; and

WHEREAS, The said six charter amendments so ratified by the electors of the city of Los Angeles now are submitted to the legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment in

accordance with section eight of article eleven of the constitution of the State of California, and are in words and figures as follows, to wit:

CHARTER AMENDMENT NO. 8-A.

Subdivisions 44 and 45 of Section 2 of Article I of the Charter of the City of Los Angeles are hereby amended to read as follows:

(44) To create and maintain, and provide for the disbursement of a firemen's relief, health, life insurance and pension fund, to be used for the payment of pensions to members of the Fire Department of the City who shall be retired from such department, after a designated number of years of service, for the payment of pensions to members of such department who shall become physically disabled by reason of bodily injuries received in, or by reason of sickness caused by the discharge of their duties, for the payment of pensions to the widows and children or dependent parents of members of such Fire Department who shall have died from bodily injuries received, or sickness or disease contracted in the performance or discharge of their duties, and for the payment of pensions to the surviving widows and children or dependent parents of members of the Fire Department who shall have been retired from such department on account of disability or for service, or who shall be eligible for pension because of length of service.

Firemen's relief, health, life insurance and pension fund.

(45) To create and maintain, and provide for the disbursement of the policemen's relief, health, life insurance and pension fund, to be used for the payment of pensions to members of the Police Department of the City who shall be retired from such department, after a designated number of years of service, for the payment of pensions to members of such department who shall become physically disabled by reason of bodily injuries received in, or by reason of sickness caused by the discharge of their duties; for the payment of pensions to the widows and children or dependent parents of members of such Police Department who shall have died from bodily injuries received, or sickness or disease contracted in the performance or discharge of their duties, and for the payment of pensions to the surviving widows and children or dependent parents of members of the Police Department who shall have been retired from such department on account of disability or for service, or who shall be eligible for pension because of length of service.

Policemen's relief, health, life insurance and pension fund.

And a new article is hereby added to the Charter of the City of Los Angeles, to be known as ARTICLE XI½ as follows:

Section 1. There is hereby created a department of the government of the City of Los Angeles to be known as the Fire and Police Pension Department, which shall be under the management and control of a board of three commissioners to be known as the Board of Fire and Police Pension Commissioners.

Fire and police pension departments.

The members of the Board of Fire and Police Pension Commissioners shall be appointed by the Mayor, subject to con-

Appointments.

firmation by a majority of the Council. No person shall be appointed a pension commissioner who is not a qualified elector of the City of Los Angeles. The members of said board shall serve without compensation.

Terms of office.

The term of office of the members of the Board of Fire and Police Pension Commissioners shall be four years; provided, however, that the three members first appointed hereunder shall so classify themselves by lot that one shall go out of office on the first Monday in July, 1925; one on the first Monday in July, 1926, and one on the first Monday in July, 1927.

Vacancies.

If any vacancy occurs, the Mayor shall fill the same for the unexpired term, subject to confirmation by a majority of the Council.

Organization of board.

Immediately after their appointment the members of the Board of Fire and Police Pension Commissioners, as appointed hereunder, shall organize by electing one of their number president, who shall hold his office for one year and until his successor is elected, unless his membership on the board sooner expires. The Board of Fire and Police Pension Commissioners shall appoint a secretary, not a member of the board, who shall receive such compensation as may be fixed by ordinance. The secretary shall keep a record of all proceedings of the board, specifying the names of the commissioners present at all meetings and giving the ayes and noes upon all votes. The secretary of the board may certify such proceedings and shall perform such other duties as the board may prescribe. The Board of Fire and Police Pension Commissioners shall have exclusive control of the administration and the investment of the pension fund, or funds, which may be established as hereinafter provided, and to make all needful rules and regulations for its guidance in conformity with the provisions hereof.

Retirement after thirty years.

Sec. 2. Any member of the Fire or Police Department, who shall have served in such department for thirty years in the aggregate in any capacity or rank whatever, shall on his request, or by order of the Commission, if it be deemed for the good of the department, be retired from further service in such department, and he shall thereafter, during his lifetime, be paid in equal monthly installments from said fund a yearly pension equal to two-thirds of the annual salary attached to the rank or position held by him in such department one year prior to the date of his retirement. Provided, that after twenty years' service, on request of such member, or by the commission for the good of the department, such person shall be retired and paid in equal monthly installments from said fund a limited pension as follows: For twenty years' service, fifty per cent (50%) of the annual salary of the rank or position held by him one year prior to the date of retirement; and an additional one and two-thirds per cent (1 $\frac{2}{3}$ %) of such salary for each year over twenty years and less than thirty years in the aggregate served by such member before retirement.

Retirement after twenty years.

Sec. 3. Whenever any member of the Fire or Police Department shall become physically disabled by reason of bodily injuries received in, or by reason of sickness caused by, the discharge of the duties of such person in such department, or shall become so physically or mentally disabled as a result of such injury or sickness as to render necessary his retirement from active service, the commission shall order and direct that such person be retired from further service in such department; and thereafter such person so retired shall, during his lifetime, be paid from said pension fund a yearly pension equal to one half ($\frac{1}{2}$) of the amount of the salary attached to the rank or position held by him in such department at the date of such retirement order. Such pension shall be paid in equal monthly installments. Provided, however, that any pension granted to any member of the Fire or Police Department for disability or sickness, or the result thereof, as provided for in this section, shall cease when the disability or sickness or the result therefrom ceases and such person shall, subject to civil service and other provisions of this Charter governing the appointment of City employees, be restored to active duty in such department of which such person was a member at the time of retirement, to the same rank or position which such person held at said time.

Disability
incurred in
line of duty.

Restoration
to active
duty.

Provided, further, that no person shall be retired as provided in this section, or shall receive any benefits from said pension fund, unless there shall have been filed with said Pension Commission, prior to the granting of such pension, certificates of disability, subscribed and sworn to by such person and by three regularly licensed practicing physicians of said city, one of whom shall be the police surgeon, one to be selected by the said commission, and one by the person applying for such pension.

Certificates
of disability.

Sec. 4. Whenever any member of the Fire or Police Department shall die as a result of any injury received during the performance of his duty, or from sickness caused by the discharge of such duty, or after retirement, or while eligible to retirement from such department, then an annual pension shall be paid in equal monthly installments to his widow, or child or children, or dependent parent or parents, in an amount equal to one-half ($\frac{1}{2}$) of the salary attached to the rank or position which such deceased person held in such department at the time of his death or one year prior to the date of his retirement from active duty in such department. Said pension shall be paid to the widow during her lifetime, and thereafter to any child or children surviving her, or to his child or children should there be no widow, until such child or children shall have attained the age of eighteen years, or to his dependent parent or parents during their lifetime or during such dependency, should there be no widow or child. Provided, however, that no widow of a pensioner shall be entitled to a pension unless she shall have been married to such deceased pensioner at least one year prior to the date

Death from
injury
received in
line of
duty, etc.

of his death; and provided further, that if such widow, child or children shall marry, then the pension paid to the person so marrying shall cease; and provided further; that should the dependency of such parent or parents terminate, then the pension paid to such dependent parent or parents shall cease.

Who consid-
ered as fire-
men or
policemen.

Sec. 5. For the purpose of the provisions contained herein, the Fire Department shall consist of all persons duly and regularly appointed in the Fire Department under civil service rules and regulations, whose duty it is to prevent or extinguish fires in the City of Los Angeles, under whatever designation they may be described in any salary or departmental ordinance providing compensation for said Fire Department; and the Police Department shall consist of all members of such Police Department appointed under civil service rules and regulations and sworn in, as provided by law, to perform the duties of a regular police officer of the City of Los Angeles, under whatever designation that they may be described in any salary or departmental ordinance providing compensation for the members of said Police Department. The provisions as herein in this charter contained shall apply to all members of the Fire and Police Departments as in this section defined, and to all members of said departments who have heretofore been granted pensions; provided, however, that all pensions granted heretofore and still in operation shall remain and continue to operate the same as when granted.

Fire and
police pen-
sion fund.

Sec. 6. For the purpose of providing and maintaining a fund to meet the payment of demands drawn for the payment of pensions and the expense of said Fire and Police Pension Commission, as herein provided, a fund is hereby created to be known as the Fire and Police Pension Fund.

Maintenance.

The Fire and Police Pension Commission shall employ an actuary who shall render a report of the cost of maintaining, upon a reserve basis, the pension system as hereinabove provided, and the Budget Committee shall each year estimate the amount to be placed in said pension fund based upon the estimate of cost as established by the actuary's survey, and the City Council shall appropriate the amount of such estimate to the Fire and Police Pension Fund, and also the amount of any deficit which may remain therein in the event the appropriation of any previous year prove insufficient to pay all demands drawn against said fund.

Revenues.

There shall be paid into the said fund the following moneys, to wit: (a) The amount appropriated by the City Council as hereinbefore provided. (b) All contributions and donations to the Fire and Police Departments for services by any member or members thereof, except amounts of money donated to provide for any medal or permanent competitive award. (c) All fines imposed upon members of the Fire and Police Departments for violations of the rules and regulations of said departments. (d) All proceeds from the sale of unclaimed property.

CHARTER AMENDMENT NO. 10-A.

That Section 119-b of Article XII of the Charter of the City of Los Angeles is hereby amended to read as follows:

Sec. 119-b. All lands belonging to the city which have heretofore or which may hereafter be set apart or dedicated for the use of the public as a public park, shall forever remain to the use of the public inviolate; provided, however, that the Board of Park Commissioners may, with the approval of the Council, given by ordinance, grant easements or rights-of-way to any public utility holding a franchise from the city authorizing operation in, under, along or over such right-of-way, such easement not to extend beyond the lifetime of such franchise; and may authorize the opening, establishment and maintenance of streets or other public ways in or through such parks; and provided, further, that any work, improvement or structure pertaining to the municipal water works, electric plant system or other utility owned by the city and necessary or convenient for giving service to the city or its inhabitants by means of or in connection with such works, system or utility, may be located, constructed, operated and maintained in any public park by the board, commission or officer in charge of such works, system or utility, with the approval and subject to regulations of the Council, expressed by ordinance; and provided further, that the Board of Park Commissioners may, with the approval of the Council, expressed by ordinance, grant to the County of Los Angeles, for a period not exceeding fifty years, the exclusive possession and use of any portion of any public park for the erection and maintenance of public buildings not inconsistent with public park purposes.

Rights of way through parks, etc.

CHARTER AMENDMENT NO. 11-A.

That Section 239 of Article XXIII of the Charter of the City of Los Angeles is hereby amended to read as follows:

Sec. 239. The provisions of this article shall apply to all departments, divisions and branches of the city government, including therein all employes of the city, except that the following shall be exempt therefrom, to-wit:

Civil service provisions apply to whom.

All officers elected by the people.

All members of the several boards and commissions.

The Mayor's Clerk.

The Chief of Police and his secretary.

The City Engineer and his chief deputy.

The Tax and License Collector and his chief deputy and cashier.

The chief deputy of the Auditor.

The City Superintendent of Schools and assistants and deputies, and all teachers and employees in the School Department.

The assistants, deputies, clerks and stenographers of the City Attorney.

The City Prosecutor, and his assistants, deputies, clerks and stenographers.

The Librarian and the heads of the several departments in the Public Library.

The Superintendent of Parks.

The Secretary of the Park Commission.

The Secretary of the Police Commission.

The Health Commissioner.

The Chief Engineer of Waterworks, the Electrical Engineer, Auditor and Cashier of the Department of Public Service.

The Engineer and Secretary of the Board of Public Utilities.

The Traffic Manager, Secretary, Port Warden and pilots of the Harbor Department.

The Harbor Engineer and Assistant Harbor Engineer.

The Secretary of the Playground Commission.

The Purchasing Agent.

The Inspector of Public Works.

All physicians appointed by the Health Commissioner.

All officers of election.

The Police Surgeon and assistant police surgeons.

Persons employed to render professional, scientific, technical or expert services of an occasional and exceptional character upon the request of the head of the department in which such persons are to be employed, approved by the City Council by resolution adopted by two-thirds of all of its members.

Who may
be exempted.

Any of the following persons may be exempted from the provisions of this article, upon the request of the head of the department in which they are employed, by order of the Board of Civil Service Commissioners, approved by the Council by resolution passed by the vote of two-thirds (2/3) of all its members, to-wit: (a) The first and second deputies in any department or either of such deputies where not exempt as above provided; (b) unskilled laborers, including drivers; (c) persons employed on the construction of public works, improvements or buildings. Any exemption thus made may be terminated at any time by resolution of the Board of Civil Service Commissioners.

Effective
when.

This section, insofar as it affects the office of the City Treasurer, shall become effective from and after twelve o'clock noon of the sixth day of January, 1924, and not before said date; insofar as this section affects the office of the City Clerk, it shall become effective from and after twelve o'clock noon of the tenth day of June, 1925, and not before said last mentioned date; provided that the City Clerk, the City Treasurer and all employees in their respective departments, who by the terms of this section would be included in the classified civil service and who shall have served continuously in such positions for a period of one year next preceding the taking effect of this section, shall be deemed to have the necessary qualifications required by this Article and shall be eligible to appointment to their respective positions without taking the examination in this Article elsewhere required.

CHARTER AMENDMENT NO. 13-A.

That Section 30-a of Article III of the Charter be amended to read as follows:

Sec. 30-a. No building or any part thereof of a height exceeding 150 feet shall be erected within that portion of the city described as follows:

Buildings
exceeding
150 feet
in height.

Bounded on the north by Temple Street, on the east by San Pedro Street, on the south by Pico Street and on the west by Figueroa Street; and no building, or any part thereof, of a height exceeding 150 feet shall be erected in any portion of the city outside of said district unless authorized by an ordinance passed by two-thirds vote of the Council; for the purposes of this section the height shall be measured from the ground level at the center of the line of the lowest side of such proposed building, excepting that where the greatest height will not be increased more than 14 feet thereby such measurement may be taken from the ground level at the center of the line of the highest side of said proposed structure; provided, however, that the above limitation of height shall not prohibit the construction of pent houses, and similar necessary incidental structures not increasing the general floor area, nor shall it prohibit the construction of a roof or skylight above said height limit over any portion of the top story, the floor of which is not more than 138 feet in height above the ground, provided that such roof or skylight shall not exceed 50% of the entire roof area, nor exceed at its highest point 14 feet above said height limit, and provided further that no part of such roof or skylight which extends above said height limit shall be nearer than 10 feet from the adjoining property line, or street line.

PROPOSED CHARTER AMENDMENT NO. 14-A.

That Section 2 of Article I of the Charter of the City of Los Angeles be amended by adding thereto a new Subdivision to be designated as Subdivision (18) a, to read as follows:

(18) a.—That out of the taxes levied each year six cents on each one hundred dollars of taxable property shall be set aside to be expended only in the acquisition of lands, rights of way, or buildings, or the construction of street improvement work, buildings, structures, or other public work or improvement of an estimated life of not less than ten years; that the money collected and set aside as above provided shall be placed in a fund designated as the "Public Improvement Fund," and, notwithstanding any other provision of this Charter, shall remain in said fund until expended for the purposes herein authorized, and shall not be transferred to the "reserve fund."

Public
improvement
fund.

PROPOSED CHARTER AMENDMENT NO. 17-A.

That Section 2, Article I of the Charter be amended by adding thereto a new subdivision, to be numbered (54) and to read as follows:

Supplying of
water and
electricity.

(54) To provide for utilizing or controlling waters within or without, or partly within and partly without, the State of California, and for the conservation, development, storage and distribution of water, and the generation, transmission and distribution of electrical energy, for the purpose of supplying said city and its inhabitants with water and electric energy, or either of them, and, to that end, to do and perform, subject to the limitations and restrictions elsewhere provided in this Charter, each, any or all of the following acts and things, to-wit:

(a) Enter into contracts, compacts and agreements with any political organization or organizations, as hereinafter defined, for supplying water or electric energy, or both, to said city, or for providing or constructing for said city distributing systems for water or electric energy:

(b) Co-operate and contract with any such political organization or organizations concerning the conservation and use of any such waters, the generation and use of electric energy, and the acquisition, construction, completion, maintenance and operation of works necessary or convenient for the purposes aforesaid:

(c) Acquire, establish, construct, own, maintain and operate, either alone or in common with any other such political organization or organizations, any works, plants or structures, whether within this state or outside thereof, or partly within and partly without this state, necessary or convenient for any such purpose:

(d) Make and enter into contracts with any such political organization or organizations, with reference to the acquisition, establishment, construction, ownership, maintenance or operation of such works, plants or structures, including contracts for participating in the cost and benefits of the acquisition, establishment, construction, maintenance or operation of such works, plants or structures, provided, or to be provided, by any other political organization or organizations, and contracts for the participation by any other political organization or organizations, in the costs and benefits of such works, plants, or structures, provided, or to be provided, by said city, and contracts with any person or persons, firm or firms, corporation or corporations, for participation by them, or any of them, in the cost and benefits of any such works, plants or structures, or for the furnishing to them, or any of them, of water or electric energy, but no person, firm or corporation, other than a political organization shall ever own or operate or hold any interest in, any such works, plant or structures:

(e) Become, when authorized by law, a member, associate or shareholder in any organization, association or corporation now or hereafter provided for under the laws of the United States, or of any state or states, and which shall be formed solely for the purpose of acquiring, establishing, constructing, owning, maintaining or operating any such works, plants or structures, and membership, association or shareholding in which shall be limited strictly to the United States, states,

municipal corporations, and political subdivisions or agencies thereof.

The words "political organization or agency" as used in this subdivision, shall be understood to include the United States, the State of California and any other state, and any district, municipal corporation, political subdivision or agency of the United States, this State or any other state, and any organization, association or corporation contemplated by paragraph (e) of this subdivision.

State of California }
County of Los Angeles } ss.

This is to certify that we, the undersigned, George E. Cryer, Certificante. Mayor of the city of Los Angeles, State of California, and Robt. Dominguez, City Clerk of said city, do hereby certify as follows, to-wit: That the foregoing proposed and ratified amendments to the charter of said City of Los Angeles submitted to the electors of said city, at a special election held on the 7th day of November, 1922, have been compared by them and each of them with the respective proposed amendments set forth in the resolution adopted by the Council, as hereinbefore stated, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter are, and each of them, is true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of said City of Los Angeles, this 17th day of January, 1923.

GEO. E. CRYER,
Mayor of the City of Los Angeles.

[SEAL]

ROBT. DOMINGUEZ,
City Clerk of the City of Los Angeles.

Now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the city of Los Angeles as proposed to, adopted and ratified by the electors of said city as hereinbefore fully set forth, be, and the same are, and each of them is hereby approved as a whole without amendment or alteration, for and as amendments to, and as a part of the charter of the city of Los Angeles. Approval by legislature.

CHAPTER 9

Senate Concurrent Resolution No. 9.--Relative to joint rules of senate and assembly.

[Filed with Secretary of State January 31, 1923.]

Resolved by the senate, the assembly concurring, That the following be adopted as the joint rules of the two houses of the legislature for its forty-fifth session:

JOINT RULES OF SENATE AND ASSEMBLY.

COMMITTEES AND COMMITTEE MEETINGS.

STANDING COMMITTEES.

Standing committees.

1. Subject to the right of either house to appoint additional committees, the following standing committees shall be appointed in the senate and assembly, the number of members and the manner of selection to be determined by the rules of each house:

- (1) Agriculture.
- (2) Banking.
- (3) Commerce and navigation.
- (4) Corporations.
- (5) County government.
- (6) Drainage, swamp and overflowed lands.
- (7) Education.
- (8) Elections.
- (9) Federal relations.
- (10) Finance in the senate and ways and means in the assembly.
- (11) Fish and game.
- (12) Hospitals and asylums.
- (13) Insurance.
- (14) Irrigation.
- (15) Judiciary.
- (16) Labor and capital.
- (17) Military affairs.
- (18) Mines and mining.
- (19) Municipal corporations.
- (20) Oil industries.
- (21) Prisons and reformatories.
- (22) Public health and quarantine.
- (23) Public morals.
- (24) Public utilities.
- (25) Revenue and taxation.
- (26) Roads and highways.
- (27) Rules.

JOINT COMMITTEES.

Joint committees.

2. Joint standing committees of senate and assembly shall be appointed as follows:

- (1) Committee on revision and printing, to consist of three
- (3) members from the senate and five (5) from the assembly.

(2) Committee on joint rules, to consist of the members of the rules committee of each house.

JOINT MEETING OF COMMITTEES.

3. Whenever any bill has been referred by the senate to one of its committees, and the same or a like bill has been referred by the assembly to one of its committees, the chairmen of the respective committees, when in their judgment the interests of legislation or the expedition of business will be better served thereby, shall arrange for a joint meeting of their committees for the consideration of such bill. Joint meeting of committees.

BILLS AND RESOLUTIONS.

SCOPE OF WORD "BILL."

4. Whenever the word "bill" is used in these rules it shall include constitutional amendments, joint and concurrent resolutions. "Bill."

JOINT AND CONCURRENT RESOLUTIONS.

5. Joint resolutions are those which relate to matters connected with the federal government. All other resolutions relating to matters to be treated by both houses of the legislature are concurrent resolutions. Joint and concurrent resolutions.

RESOLUTIONS TREATED AS BILLS.

6. Joint resolutions, concurrent resolutions and constitutional amendments shall be treated in all respects as bills; except that they shall be read but one time in each house, and that they shall not be deemed bills within the meaning of section two of article four of the constitution and shall not be referred to the committee on introduction of bills, and shall not require a vote to authorize their introduction. As in the case of bills, they shall be engrossed in the house in which they originate before being voted upon. Resolutions treated as bills.

PREPARATION AND INTRODUCTION OF BILLS.

TITLE OF BILL.

7. The title of every bill introduced shall convey an accurate idea of the contents of the bill and shall be indicative of the scope of the act and the object to be accomplished. In amending a code section, the mere reference to the section by number shall not be deemed sufficient. Title.

DIVISION OF BILL INTO SECTIONS.

8. Bills amending more than one section of existing laws shall contain a separate section for each section amended. Sections.

Bills which are not amendatory of existing laws shall be divided into short sections, where this can be done without destroying the sense of any particular section, to the end that future amendments may be made without the necessity of setting forth and repeating sections of unnecessary length.

CHANGES FROM EXISTING LAWS TO BE MARKED BY AUTHOR.

Changes
marked.

9. In case of a bill amending a code section, or general law, all omissions must be shown by the insertion of heavy parentheses or brackets without including the omitted matter; all additions must be shown by underlining the new matter. When printed, the new matter so underlined shall be enclosed in heavy brackets in the printed bill, and also heavy brackets shall be retained to show omissions.

COMMITTEE ON REVISION AND PRINTING TO EXAMINE BILLS WHEN INTRODUCED.

Committee
on revision
and printing
to examine
bills.

10. Unless otherwise ordered by the house in which the bill was introduced, all bills before being printed shall be immediately sent to the committee on revision and printing, which shall examine the bill, with the aid of the legislative counsel bureau. The committee, by and with the written assent of the author filed with it, shall have authority to correct any clerical error such as in orthography, adding or correcting the enacting clause, mistakes in numbering sections and references thereto, errors in grammar, phraseology, or in the form of the bill; *provided*, that no bill which bears the stamp of the legislative counsel bureau showing that before introduction it has been examined as to form, shall be sent to the committee on revision and printing.

NOTE—The submission of bill copy to legislative counsel bureau for approval of form before introduction will expedite its course.

BILLS INTRODUCED TO INDICATE CHANGES IN EXISTING LAWS.

Rules to
be observed.

11. The committee on revision and printing shall see to it that rules seven and nine of these joint rules are observed by the author, and that the bill shall not be sent to the printer until the provisions of these rules have been carried out.

REPORTS OF COMMITTEE ON REVISION AND PRINTING.

Reports of
committee.

12. The committee on revision and printing shall return to the secretary of the senate or chief clerk of the assembly all bills in the order in which they were sent to it, but shall not retain any bill for longer than three legislative days, unless otherwise ordered.

ENDORSEMENT OF DATE OF INTRODUCTION.

Endorse-
ment.

13. Bills introduced in either house shall be endorsed with the date of introduction.

PRINTING AND DISTRIBUTION OF BILLS.

MANNER OF PRINTING BILLS, ETC.

Manner of
printing
bills, etc.

14. The state printer shall observe the following directions in printing all bills, constitutional amendments, joint and concurrent resolutions:

(a) The body of such bills and resolutions shall be printed in solid unspaced form so that the same type shall be used both before and after enrollment.

(b) All titles of bills, resolutions, etc., shall be set in italics, statute form, and the length of the lines used in the bills shall not exceed that of the body of the bill.

(c) The lines of all printed bills shall be numbered by page and not by sections, and amendments shall be identified by reference to title, page and line only; *provided, however*, that concurrent resolutions approving city or county or city and county charters or amendments thereto may be set in smaller type and without line numbers.

(d) Enrolled bills may be inclosed in stock cover.

PRINTING OF AMENDMENTS.

15. All bills amended by either house shall be immediately reprinted; in the case new matter is added by the amendments, such new matter shall be inclosed in heavy parentheses in the printed bill, and in the case of matter being omitted, the omission shall also be indicated by heavy parentheses. When a bill is amended in either house, the first or previous markings, except that showing change from code provision or former law, shall be omitted. When a bill amendatory of a code section is engrossed, all figures or symbols shall be removed.

Printing of amendments.

DISTRIBUTION OF BILLS DURING CONSTITUTIONAL RECESS.

16. All requests for mailing or distribution by the members shall be filed with the secretary of the senate or chief clerk of the assembly, who shall compile the same with the elimination of duplication as a general mailing list. The distribution of bills, constitutional amendments, joint and concurrent resolutions shall be systematized as follows: Members' desks and legislative officers' files one hundred fifty full sets; to authors fifty copies of their own bills; accredited newspaper representatives twenty-five; to public and law libraries, newspapers, county officials, and other civic, commercial, fraternal or industrial organizations as the secretary of the senate and chief clerk of the assembly may compile from the recommendations of the members of both houses, one thousand and two hundred copies; to state officers, state library and secretary of state, two hundred copies; to legislative committees, bill room files and public requests—confined to single copies of bills designated, one thousand copies. The state printer shall cause to be printed in the standard form adopted by the senate and the assembly as many copies of all bills, constitutional amendments and joint or concurrent resolutions as may be necessary to conform to the provisions of this rule.

Distribution of bills during constitutional recess.

A similar number and distribution shall be made of the semi-final history and final calendar.

DISTRIBUTION OF BILLS AFTER CONSTITUTIONAL RECESS.

17. Following the recess, new bills introduced shall be forwarded to the public libraries and law libraries only, and one copy each of amended bills as may be requested. Weekly histories and journals shall be distributed generally, following

Subsequent distribution of bills.

the recess, upon such schedule as the secretary of the senate and chief clerk of the assembly may designate.

OTHER LEGISLATIVE PRINTING.

PRINTING OF THE DAILY JOURNAL.

Printing
daily
journal.

18. The state printer shall print one thousand copies of the journal of each day's proceedings of each house; at the end of the session he shall also print a sufficient number of copies, properly paged after being corrected and indexed by the secretary of the senate and chief clerk of the assembly, to bind in book form as the journal of the respective houses of the legislature as required by law.

WHAT SHALL BE PRINTED IN THE JOURNAL.

Contents
of journal.

19. The following shall always be printed in the journal of each house:

(a) Messages from the governor and messages from the other house, and the titles of all bills, joint and concurrent resolutions and constitutional amendments when introduced in, offered to, or acted upon by the house, and the title and text of joint and concurrent resolutions and constitutional amendments when adopted by the house; *provided*, that in the case of a concurrent resolution approving the adoption of a charter or charter amendments of any kind, the text of such charter or charter amendments need not be printed in the journal.

(b) Every vote taken in the house, and a statement of the contents of each petition, memorial, or paper presented to the house.

(c) A true and accurate account of the proceedings of the house, when not acting as a committee of the whole.

PRINTING OF THE DAILY FILE.

Printing
daily file.

20. A daily file of bills ready for consideration shall be printed each day for each house, and copies of the file of each house shall be distributed each day to all of the members of both houses.

PRINTING OF HISTORY.

Printing
history.

21. Each house shall cause to be printed on Monday of each week, during the session, a complete history of all bills, joint or concurrent resolutions and constitutional amendments originating in, or acted upon by the respective houses.

Such history shall show the action taken upon each measure up to and including the legislative day preceding its issuance.

For each legislative day intervening there shall be printed a supplementary history showing the action taken upon any measure since the issuance of the complete history. A regular form shall be prescribed and no other form shall be used.

Immediately following the adjournment for the constitutional recess the history shall be compiled and printed to date of recess.

AUTHORITY FOR PRINTING ORDERS.

22. The superintendent of state printing shall not print for use of either house any matter other than provided by law or by these rules, except upon a written order signed by the secretary of the senate or the chief clerk of the assembly. The secretary of the senate and the chief clerk of the assembly may also, when necessity requires it, order certain matter printed in advance of the regular order, by the issuance of a rush order.

Authority
for printing
orders.

RECORD OF BILLS.

SECRETARY AND CHIEF CLERK TO KEEP REGISTER.

23. The secretary of the senate and the chief clerk of the assembly shall keep a register, in which shall be recorded every action taken by the senate and assembly on every bill, concurrent or joint resolution, or constitutional amendment.

Register.

SECRETARY AND CHIEF CLERK SHALL ENDORSE BILLS.

24. The secretary of the senate and the chief clerk of the assembly shall endorse on every original bill a statement of any action taken by the senate and assembly.

Endorsing
bills.

ACTION IN ONE HOUSE ON BILL TRANSMITTED FROM THE OTHER.

BILLS READ AND REFERRED TO COMMITTEE.

25. When a senate bill has been received by the assembly or an assembly bill by the senate, with a message announcing that the same has passed the senate or assembly, such bill shall be read the first time by the secretary or the chief clerk and referred to a standing committee by the presiding officer, unless otherwise ordered by the house.

Bills read
and referred.

AFTER A BILL HAS BEEN PASSED BY THE SENATE OR ASSEMBLY.

26. When a bill (if it be a senate bill) has been received from the senate by the assembly, after its passage, or (if it be an assembly bill) has been received from the assembly by the senate after its passage, it shall be taken up by the senate or assembly, as the case may be, under the regular order of business ("senate messages" or "assembly messages"), read the first time, unless otherwise ordered by the house, and shall then be assigned to the proper committee, unless otherwise ordered, who shall act upon the same as soon as practicable, and report the same back to the senate or assembly forthwith, and the chairman of each committee is charged with observance of this rule.

After bill
has passed
one house.

SPECIAL FILE.

27. On the second day after the close of the recess provided for in section two, article IV of the constitution, the senate and assembly shall each adopt and provide a special file upon which shall be placed: In the senate, only assembly bills that have passed the assembly; and in the assembly, only senate bills that have passed the senate. Such special file shall be

Special file.

taken up at two o'clock p.m. of each day in the assembly and at two o'clock and thirty minutes p.m. of each day in the senate and be considered at least one hour and a half after being so taken up unless its consideration shall be completed in a lesser period of time. This rule shall not be suspended in either house except by a three-fourths vote of such house.

**REPORTS FROM ONE HOUSE TO THE OTHER AS TO ACTION ON BILL,
BILL OR RESOLUTION IN ONE HOUSE, REJECTED IN THE OTHER,
REQUIRES NOTICE.**

Notice of
rejection.

28. When a bill or resolution which shall have passed one house is rejected by the other, notice thereof shall be given immediately to the house in which the same shall have passed.

EACH HOUSE TO TRANSMIT PAPERS.

Transmittal
of papers.

29. Each house shall transmit to the other papers on which any bill or resolution shall be founded.

NOTICES TO BE IN WRITING UNDER PROPER SIGNATURES.

Notices in
writing and
signed.

30. Notice of the action of either house to the other shall be in writing, and under the signature of the secretary of the senate or the chief clerk of the house from which such notice is to be conveyed.

SECRETARY, CHIEF CLERK, ETC., TO DISPATCH MESSAGES.

Dispatch of
messages.

31. Messages shall be sent to the other house by an officer or attache to be designated by the secretary, if it be a senate message, or by the chief clerk if it be an assembly message.

MESSAGES MUST BE ANNOUNCED BY THE SERGEANT-AT-ARMS.

Announce-
ment of
messages.

32. When a message shall be sent from either house it shall be announced at the door by the sergeant-at-arms, and shall be respectfully communicated to the presiding officer by the person by whom it may be sent.

PASSAGE AND ENROLLING OF BILLS.

PASSAGE OF BILLS TAKING EFFECT IMMEDIATELY.

Bills to
take effect
at once.

33. Each house shall act in the usual course upon all bills that may be made to take effect immediately, under the provisions of section one, article four of the constitution.

PASSAGE OF URGENCY PROVISIONS IN BILLS.

Passage
of urgency
provisions.

34. Upon the third reading of an act which is an urgency measure within the meaning of section one, article four of the state constitution, the presiding officer shall direct that the section of said act setting forth the facts constituting the necessity for such urgency (which shall be known as the urgency section) be then read and put to vote. The question shall be thus stated: "Shall this section setting forth the urgency features of this bill be passed?" If upon such final vote two-thirds of all the members elected to the house in which the vote is being taken shall not vote in the affirmative, no

further action shall be taken on the bill; but, in case an identical bill without such an emergency clause be again introduced into such house, such bill shall be placed on file without reference to any committee.

PASSAGE OF BILLS PRECEDING FINAL ADJOURNMENT.

35. No senate bill shall be passed by the senate and no assembly bill shall be passed by the assembly within seven days of the time set for adjournment sine die of the two houses of the legislature, unless permission to vote on such bill shall be granted by a three-fourths vote of the house of its origin after being recommended by the presiding officer thereof.

Passage of bills preceding final adjournment.

ENROLLMENT OF BILL AFTER PASSAGE.

36. After a bill shall have passed both houses, it shall be duly enrolled after being carefully compared, by the engrossing and enrolling clerk and committee of the house in which it originated, with the engrossed bill, as passed in the two houses. It shall then receive the signatures provided for in joint rule 37, and be presented to the governor of the state.

Enrollment.

ENROLLING COMMITTEE TO PRESENT BILLS TO GOVERNOR.

37. After a bill shall have been thus passed in each house, it shall be presented by the engrossing and enrolling committee of the house in which it originated to the governor of the state for his approval (it being first endorsed by the presiding officers of the two houses, and by the secretary of the senate and the chief clerk of the assembly). The said committee shall report the day of presentation to the governor, which time shall be carefully entered on the journal of the house in which the bill originated.

Presentation of bill to governor.

AMENDMENTS AND CONFERENCES.

AMENDMENTS TO AMENDED BILLS MUST BE ATTACHED.

38. Whenever a bill or resolution which shall have been passed in one house shall be amended in the other, it shall immediately be reprinted as amended by the house making such amendment or amendments. Such amendment or amendments shall be attached to the bill or resolution so amended, and indorsed "adopted," and such amendment or amendments, if concurred in by the house in which such bill or resolution originated, shall be indorsed "concurred in," and such indorsement shall be signed by the secretary or assistant secretary of the senate, or the chief clerk or assistant clerk of the assembly, as the case may be; *provided, however*, that an amendment to the title of a bill adopted after the passage of such bill shall not necessitate reprinting, but such amendment must be concurred in by the house in which such bill originated.

Amendments to amended bill to be attached.

TO CONCUR OR REFUSE TO CONCUR IN AMENDMENTS.

39. In case the senate amend and pass an assembly bill, or the assembly amend and pass a senate bill, the senate (if it be

To concur or to refuse to concur in amendments.

a senate bill) or the assembly (if it be an assembly bill) must either "concur" or "refuse to concur" in the amendments. If the senate concur (if it be a senate bill), or the assembly concur (if it be an assembly bill), the secretary or chief clerk shall notify the house making the amendments and the bill shall be ordered to enrollment.

WHEN SENATE OR ASSEMBLY REFUSE TO CONCUR.

When other
house refuses
to concur.

40. If the senate refuse to concur (if it be a senate bill), or the assembly refuse to concur (if it be an assembly bill), the secretary or the chief clerk shall notify the house making the amendments of such refusal, and ask that they recede from their amendments. If they refuse to recede, the presiding officer shall appoint a committee of three (3) on conference and the secretary or the chief clerk shall immediately notify the other house of the action taken and request the appointment of a like committee. Two of the members comprising such committee from each house shall be selected from those voting with the majority on the point about which the difference has arisen, and the other member from each house of such committee shall be selected from the minority, in the event there is a minority vote. The first senator named on the conference committee shall act as chairman of the committee from the senate, and the first assemblyman named on such committee shall act as chairman of the committee from the house, and the chairman thus selected shall arrange the time and place of all meetings and prepare or direct the preparation of reports. The committee on conference shall report to both the senate and assembly.

COMMITTEE ON CONFERENCE.

Committee
on confer-
ence.

41. In every case of an amendment of a bill agreed to in one house and dissented from in the other, if either house shall request a conference and appoint a committee to confer, the other house shall appoint a like committee; and such committee shall meet at a convenient hour, to be agreed upon by the respective chairmen of the committees.

COMMITTEE ON FREE CONFERENCE.

Committee
on free
conference.

42. If the conference fail to agree or either house refuse to adopt the report of the committee, a committee on free conference shall then be appointed, which shall consist of three members from each house, to be constituted and appointed in the same manner as a committee on conference. The committee on free conference is hereby directed to include in its report any amendments which it may adopt as a committee, and such amendments shall be attached to the bill.

The report of the committee on free conference shall not be subject to amendment, and if either house refuse to adopt such report the conferees may be discharged and other conferees appointed.

It shall require the affirmative vote of not less than four of the members constituting the committee to agree upon a

report. No member who has served on a committee on conference shall be appointed a member of a committee on free conference on the same bill.

WHEN CONFERENCE COMMITTEE REPORT IS IN ORDER.

43. The presentation of the report of a committee on conference or free conference shall always be in order, except when the journal is being read or a question of order or a motion to adjourn is pending, or during roll call, and, when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed upon, and shall be determined without debate.

When
conference
committee
report is
in order.

MISCELLANEOUS PROVISIONS.

44. The committee on joint rules shall be empowered to compile a list of suggestions as to the form of bills and resolutions prepared for introduction into the legislature.

Miscel-
laneous.

PRESS RULES.

45. A person desiring recognition by the senate or assembly as a newspaper correspondent shall make application in writing to the president of the senate or speaker of the assembly.

Press rules.

(a) The applicant shall state in writing the name of the newspaper or newspapers he represents and that he is not engaged, and will not become engaged as a lobbyist for any person, copartnership, corporation or interest and that he is not and will not become the agent or representative of any person, copartnership, organization or corporation in advocating or attempting to defeat any measure pending in either branch of the legislature, that he is not employed in any executive, administrative or legislative department of the state government and will not become so employed while accepting the privileges of a press representative.

(b) It shall be the duty of the president of the senate and the speaker of the assembly to assign one or more rooms for the exclusive use of correspondents during the legislative session, which room shall be known as the press room. The press room shall be under the control of the superintendent of the capitol building and grounds; *provided*, that all rules and regulations shall be approved by the president of the senate and speaker of the assembly.

ADJOURNMENT.

46. Adjournment for the constitutional recess and adjournment *sine die* shall be made only by concurrent resolution; and the resolution for adjournment *sine die* shall be passed by both houses at least twenty-eight days before the date of such adjournment.

Adjourn-
ment.

JOINT ADDRESS TO GOVERNOR.

47. When the senate and assembly shall judge it proper to make a joint address to the governor, it shall be presented to him in his audience chamber by the president of the senate

Joint address
to governor.

in the presence of the speaker of the assembly and a select committee of six members from each house appointed by the respective presiding officers.

DISPENSING WITH JOINT RULES.

Dispensing
with joint
rules.

48. No joint rule shall be dispensed with except by a vote of two-thirds of each house; and joint rules twenty-seven and thirty-five can be dispensed with only in the manner provided for in said joint rules. If either house shall violate a joint rule a question of order may be raised in the other house and decided in the same manner as in the case of the violation of the rules of such house; and if it shall be decided that the joint rules have been violated, the bill involving such violation shall be returned to the house in which it originated, without further action. Or, at the option of such house, the president or speaker may direct the secretary or the chief clerk to mark the section or sections in conflict with the rules as nonconcurring in or negatived.

CHAPTER 10.

Senate Concurrent Resolution No. 10—Approving an amendment to the charter of the city of Oakland, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the twenty-ninth day of August, 1922.

[Filed with Secretary of State January 31, 1923.]

Oakland
city charter
amendment.

WHEREAS, Proceedings have been had and taken for the proposal, adoption and ratification of a certain amendment hereinafter set forth to the charter of the city of Oakland, a municipal corporation in the county of Alameda, State of California, as set out in the certificate of the mayor and the city clerk of said city of Oakland as follows to wit:

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss.
CITY OF OAKLAND }

Certificate.

We, the undersigned, JOHN L. DAVIE, Mayor of the City of Oakland, State of California, and EUGENE K. STURGIS, City Clerk of said City, do hereby certify and declare as follows:

THAT the City of Oakland a municipal Corporation, in the County of Alameda, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred inhabitants, and has been ever since the 1st day of July, 1911, and is now, organized, existing, and acting under a freeholders' charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election duly held

for that purpose on the 8th day of December, 1910, and approved by the Legislature of the State of California, by concurrent resolution filed with the Secretary of State on the 15th day of February, 1911 (Statutes of 1911, p. 1551;)

THAT in pursuance of Section 8 of Article XI of the Constitution of the State of California, on its own motion, the Council of the City of Oakland, being the legislative body of said City, by and in pursuance of Resolution No. 24383 N. S., passed by the said Council on the 18th day of July, 1922, duly submitted to the qualified electors of said City of Oakland, a certain proposal for the amendment of the Charter of said City, to be voted on by said qualified electors at a Special Municipal Election, held in said City on the 29th day of August, 1922, which said proposal was and is in words and figures following, to-wit:

That Sections 88 and 98 of said Charter be amended to read as follows:

That Section 88 of said Charter be amended to read as follows:

“QUALIFICATIONS.

“Sec. 88. No person shall become a member of the Police Department unless he shall be a citizen of the United States of good character for honesty and sobriety, able to read and write the English language, and a resident of the City of Oakland for at least five years next preceding his appointment. A residence for said time in any territory which may have been consolidated with or annexed to the City of Oakland, shall be deemed to satisfy this provision. Provided, however, that but one year of residence shall be required of persons who have served in the army, navy, marine corps, or revenue marine service of the United States in time of war, and received an honorable discharge therefrom. Every appointee to the Department shall be not less than twenty-five nor more than thirty-five years of age, and before his appointment, must pass a satisfactory examination under such rules and regulations as may be prescribed by the Civil Service Board.”

Qualifications of policemen.

That Section 98 of said Charter be amended to read as follows:

“QUALIFICATIONS.

“Sec. 98. No person shall become a member of the Fire Department unless he shall be a citizen of the United States, of good character for honesty and sobriety, able to read and write the English language and a resident of the City of Oakland for at least five years next preceding his appointment. A residence for said time in any territory which may have been consolidated with or annexed to the City of Oakland, shall be deemed to satisfy this provision. Provided, however, that but one year of residence shall be required of persons who have served in the army, navy, marine corps, or revenue marine service of the United States in time of war, and received an honorable discharge therefrom. Every member of the Depart-

Qualifications of firemen.

ment shall be not less than twenty-one, nor more than thirty-five years of age at the time of his appointment and before his appointment must pass a satisfactory examination under such rules and regulations as may be prescribed by the Civil Service Board."

Certificate.

THAT such proposed amendment was published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and in accordance with the provisions of the Charter of the City of Oakland, in the "Post-Enquirer", a daily newspaper of general circulation published in said City of Oakland and the official paper and newspaper of said City;

THAT copies of said proposed amendment were printed in convenient pamphlet form, and until the date fixed for the election hereinafter described, and as required by law, an advertisement was published in said "Post-Enquirer" that such copies could be had upon application therefor at the office of the City Clerk of the City of Oakland;

THAT such copies could be had upon application therefor at the office of said City Clerk until the date fixed for the election hereinafter described;

THAT the Council of the City of Oakland, the legislative body of said City, by its Resolution No. 24383 N. S., passed on the 18th day of July, 1922, did order the holding of a Special Municipal Election in said City of Oakland, on the 29th day of August, 1922, said day being at least forty days after the completion of advertising of said proposed amendment in said official paper of said City, and not more than sixty days after the completion of such advertising, and did provide in said Resolution for the submission of the proposed amendment to the charter to the qualified electors of said City for their ratification at such election;

THAT said election was duly called and held on the 29th day of August, 1922, and at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify the proposed amendment to the charter of the City of Oakland hereinabove set forth;

THAT the returns of said election were in accordance with the law in such cases made and provided duly and regularly canvassed and certified to, and it was duly found, determined and declared by the proper officers, thereunto duly and properly authorized, that a majority of the qualified electors of said City voting thereon had voted for and ratified said proposed amendment to said charter hereinabove set forth.

AND WE FURTHER CERTIFY, that we have compared the foregoing proposed and ratified amendment to the charter of the City of Oakland with the original proposal submitting the same to the electors of said City at an election held on the 29th day of August, 1922, and find that the foregoing is a full, true, correct and exact copy thereof.

IN WITNESS WHEREOF we have hereto set our hands and caused the seal of said City of Oakland to be affixed hereto, this 2nd day of January, 1923.

JOHN L. DAVIE,
Mayor of the City of Oakland.

[SEAL]

EUGENE K. STURGIS,
City Clerk of the City of Oakland.

WHEREAS, Said proposed amendment so ratified as hereinbefore set forth has been and is now duly presented and submitted to the legislature of the State of California for approval or rejection without power of alteration in accordance with section eight of article eleven of the constitution of the State of California; now therefore be it

Approval by
legislature.

Resolved by the senate of the State of California, the assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the charter of the city of Oakland as proposed to and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same is hereby approved as a whole without amendment or alteration, for and as an amendment to, and as a part of the charter of said city of Oakland.

CHAPTER 11.

Senate Concurrent Resolution No. 12—Approving one certain amendment to the charter of the city of Los Angeles, in the county of Los Angeles, State of California, voted for and ratified by the electors of said city of Los Angeles at a special municipal election held therein on the twenty-ninth day of August, 1922.

[Filed with Secretary of State February 2, 1923.]

WHEREAS, The city of Los Angeles, in the county of Los Angeles, State of California, contains a population of over five hundred thousand inhabitants, and has been ever since the year 1889, and now is, organized and acting under a freeholders' charter, adopted under and by virtue of section eight, article eleven of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the twentieth day of October, 1888, and approved by the legislature of the State of California on the thirty-first day of January, 1889 (statutes of 1889, page four hundred fifty-five); and

Los Angeles
city charter
amendment.

WHEREAS, The legislative body of said city, namely: the council of said city, did, pursuant to the provisions of section eight of article eleven of the constitution of the State of California, by resolution adopted July 19, 1922, duly propose to the qualified electors of said city of Los Angeles an amendment

Los Angeles
cit.; charter
amendment.

to the charter of said city, and ordered that said amendment be submitted to said qualified electors of said city at a special municipal election to be held in said city on the twenty-ninth day of August, 1922, which date was fixed in said resolution as the date for holding said special municipal election; and

WHEREAS, Said proposed charter amendment was on July 20, 1922, duly published in The Los Angeles Daily Journal, a daily newspaper of general circulation in said city of Los Angeles, and the newspaper designated by said council for that purpose, and said proposed amendment was printed in convenient pamphlet form, and from July 20, 1922, to August 29, 1922, both inclusive, a notice was published in The Los Angeles Daily Journal, a daily newspaper of general circulation in said city, that such copies could be had upon application therefor at the office of the city clerk of said city; and

WHEREAS, The said council of said city did by ordinance designated as ordinance number forty-four thousand four hundred two (new series), which was duly adopted on the eighteenth day of August, 1922, order the holding of a special municipal election in said city of Los Angeles on the twenty-ninth day of August, 1922, which said date was more than forty days and less than sixty days after the completion of the publication of said proposed amendment as aforesaid, which said ordinance was approved by the Mayor of said city on the eighteenth day of August, 1922, and was published for at least five times prior to the time for the holding of said election, to wit, on August 19, 20, 21, 22, 23 and 24, 1922, in The Los Angeles Daily Journal, a daily newspaper printed and published in said city; and

WHEREAS, Said special municipal election was held in said city of Los Angeles on the twenty-ninth day of August, 1922, which day was more than forty days and less than sixty days after said proposed amendment to said charter had been published once in The Los Angeles Daily Journal, and said election was also held during the six months next preceding a regular session of the legislature of the State of California; and

WHEREAS, Thereafter, to wit, on the fifth day of September, 1922, the council of said city did duly and regularly canvass the returns of said election and did on the sixth day of September, 1922, in the manner provided by law, duly declare the result thereof; and

WHEREAS, At said special municipal election, held on the twenty-ninth day of August, 1922, said proposed amendment was ratified by a majority of the electors of said city voting thereon; and

WHEREAS, The said charter amendment so ratified by the electors of the city of Los Angeles is now submitted to the legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with section eight of article eleven of the constitu-

tion of the State of California, and is in words and figures as follows, to wit:

That Subdivision (18) of Section 2 of Article I of the Charter of the City of Los Angeles be amended to read as follows:

(18) To levy and collect taxes upon real and personal property for municipal purposes; provided that the tax levied for any one year for all municipal purposes, other than the payment of interest on the municipal debt and the redemption of bonds, shall not exceed one dollar and twenty-five cents on each one hundred dollar's worth of taxable property. Levy and collection of taxes.

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF LOS ANGELES } ss:

WE, THE UNDERSIGNED, GEORGE E. CRYER, Mayor Certificate.
of the City of Los Angeles, State of California, and ROBT. DOMINGUEZ, CITY CLERK of said city, and ex-officio clerk of the Council of said city, DO HEREBY CERTIFY:

That the foregoing proposed and ratified amendment to the charter of said City of Los Angeles, submitted to the electors of said city at a special municipal election held in said city on the twenty-ninth day of August, 1922, has been compared by us and each of us, with the proposed amendment set forth in the resolution adopted by the Council, as hereinbefore stated, and that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendment to said charter are, and each of them is, true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of said City of Los Angeles this 26th day of January, 1922.

[SEAL]

GEO. E. CRYER,
Mayor of the City of Los Angeles.
ROBT. DOMINGUEZ,
City Clerk of the City of Los Angeles.

Now, therefore, be it

Resolved by the senate of the State of California, the assembly thereof concurring, a majority of all of the members elected to each house voting therefor and concurring therein, That said amendment to the charter of the city of Los Angeles as proposed to, adopted and ratified by the electors of said city as hereinbefore fully set forth, be and the same is hereby approved as a whole without amendment or alteration for and as an amendment to and as a part of the charter of the city of Los Angeles.

Approval by legislature.

CHAPTER 12.

Assembly Concurrent Resolution No. 2—Approving the charter of the City of Chico, State of California, voted for and ratified by the qualified voters of the said City of Chico, upon a special municipal election held therein on the fifteenth day of December, one thousand nine hundred twenty-one.

[Filed with Secretary of State February 3, 1923.]

Chico city charter.

WHEREAS, The city of Chico, in the county of Butte, State of California, is now and at all times herein referred was a city containing a population of more than three thousand five hundred inhabitants, as ascertained by the last preceding census taken under the authority of the congress of the United States; and

WHEREAS, Said city of Chico is now and at all times herein mentioned was a municipal corporation duly organized and existing under the general laws of the State of California as a city of the fifth class; and

WHEREAS, Proceedings have been duly had in and by the said city of Chico for the preparation, proposal, adoption and ratification of a charter for the government of said city of Chico, all as set out in the following certificate of the president of the board of trustees and the city clerk of said city of Chico, to wit:

STATE OF CALIFORNIA, }
 County of Butte, } ss.
 City of Chico. }

Certificate.

We, the undersigned, S. A. Reynolds, President of the Board of Trustees of the City of Chico, State of California, and Ira R. Morrison, City Clerk of said City of Chico, do hereby certify and declare as follows:

That the City of Chico, in the County of Butte, State of California, is now and at all times herein referred to was, a city containing a population of more than thirty-five hundred inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States.

That said City of Chico is now and at all times herein mentioned was duly organized and existing under the general laws of the State of California as a city of the fifth class.

That pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California the Board of Trustees of the City of Chico, which was then and there a legislative body of said city, did by a four-fifths vote of all its members pass a Resolution calling a special election to be held on the 4th day of June, 1921, for choosing a board of fifteen free-holders to prepare and propose a Charter for the government of said City of Chico, and gave due notice of said election as required by law; that at said election held on the 4th day of June, 1921, a board of fifteen free-holders was

chosen by the electors of said City to prepare and propose a ^{Certificate} Charter for the government of said city, the names of said free-holders so chosen being as follows:

A. M. Scott	H. A. Roth
M. C. Polk	W. W. Head
W. B. Dean	H. E. Nichols
Nellie A. Allen	S. A. Reynolds
Margaret Warren	J. C. Burdon
Ed Harkness	Louis Faulkner
W. J. Costar	H. H. Haile
John S. Waterland	

That the returns of said election were canvassed and the result thereof declared by the Board of Trustees of said City of Chico on the 7th day of June, 1921.

That within one hundred and twenty days after the result of said election was declared, said Board of Free-holders did prepare and propose a Charter for the government of said City of Chico, which Charter was signed by eleven of the fifteen members of said Board of Free-Holders, and was filed in the office of the City Clerk of said City of Chico on the 21st day of September, 1921; and that said Board of Free-holders did, before such filing, fix and designate on such Charter the 15th day of December, 1921, as the date upon which said Charter should be submitted to the electors of the City of Chico for their ratification. That thereupon said Board of Trustees of the City of Chico, by resolution, duly called and ordered the holding of a special election in said City of Chico on the 15th day of December, 1921, and gave notice of the holding of said election as required by law, at which election there was submitted to the qualified electors of said City the question whether said proposed Charter, prepared and filed by said Board of Free-holders, should be ratified and adopted as the Charter for the government of the City of Chico. That within fifteen days after the filing of said Charter said Board of Trustees caused the same to be published once, to-wit: upon the 5th day of October, 1921, in The Chico Record, which was then and there a newspaper of general circulation, printed and published in said City, and the official paper of said City; that said Board of Trustees caused copies of said proposed Charter to be printed in convenient pamphlet form, and kept in the office of the City Clerk of said City, which printing was completed not later than fifteen days after the filing of said proposed Charter, and also, from the printing of said pamphlet copies of said Charter until the date fixed as aforesaid for the election upon such Charter, advertised a notice that such copies of said Charter could be had from the City Clerk upon application therefor, in the following newspapers of general circulation published in said City of Chico, to-wit: The Chico Record, and The Chico Enterprise.

That said election was duly and regularly held on the 15th day of December, 1921, and that at said election a majority

of the qualified electors voting thereon voted in favor of such proposed Charter, and for the ratification and adoption thereof.

That the Board of Trustees of said City of Chico, at a meeting thereof held as required by law, duly canvassed the returns of said election and duly found, determined and declared that a majority of said electors voting thereon had voted in favor of such proposed Charter, and for the ratification and adoption thereof, and that the same was ratified by a majority of the qualified voters of the City of Chico.

That said Charter so prepared, proposed, filed and ratified, as herein set forth, together with the certificate and signatures of eleven members of said Board of fifteen Free-holders attached thereto, are in words and figures as follows, to-wit:

CHARTER OF THE CITY OF CHICO,

Prepared and Proposed for the City of Chico, County of Butte,
State of California, by the Board of Freeholders
Elected June 4, 1921,

In Pursuance of the Provisions of Section 8, Article XI, of the
Constitution of the State of California.

ARTICLE I.

Name, Rights and Boundaries of City.

Name. Sec. 1. The municipal corporation now existing and known as the City of Chico shall remain and continue a body politic and corporate in name and in fact by the name of "City of Chico," and by such name shall have perpetual succession.

Rights. 1. The City of Chico shall remain vested with and continue to have, hold and enjoy all property, rights of property and rights of action of every nature and description now pertaining to this municipality, and is hereby declared to be subject to all the liabilities that now exist against this municipality.

Boundaries. 2. The boundaries of the City of Chico are hereby recited to be as follows:

Beginning at the intersection of the northerly line of First Street with the westerly line of Oak Street of the City of Chico, according to the official map thereof on file in the office of the County Recorder of Butte County; thence running easterly along the northerly line of First Street to the westerly right of way line of the Southern Pacific Railroad; thence northerly along said right of way line of the Southern Pacific Railroad to the southerly bank of Big Chico Creek; thence easterly along the southerly bank of Big Chico Creek to the easterly line of the right of way of the Southern Pacific Railroad; thence running northwesterly along the easterly line of said right of way of the Southern Pacific Railroad to the center line of Sacramento Avenue; running thence northeasterly along said line of Sacramento Avenue to the center line of Chestnut Street of Chico Vecino; running thence northwesterly along said line of Chestnut Street to the center line of First Avenue; running

thence northeasterly along said line of First Avenue to the center line of North Ivy Street of the Klondike Addition to Chico; running thence northwesterly along said line of said North Ivy Street to the center line of Sixth Avenue of the said Addition; running thence northeasterly along said line of said Sixth Avenue to the center line of Arcadian Avenue of Chico Vecino; running thence northwesterly along said line of Arcadian Avenue to the center line of Seventh Avenue of Chico Vecino; running thence northeasterly along said line of Seventh Avenue to the center line of the Esplanade; running thence southeasterly along said line of Sixth Avenue; running thence northeasterly along said line of Sixth Avenue to the center line of Laburnum Avenue; running thence southeasterly along said line of Laburnum Avenue to the center line of Fourth Avenue; running thence northeasterly along said line of Fourth Avenue to the center line of Spruce Avenue; running thence southeasterly along said line of Spruce Avenue to the center line of Third Avenue; running thence northeasterly along said line of Third Avenue to the easterly line of that certain alley that runs through Block 9 and 10 of the 14th Subdivision of the John Bidwell Rancho; running thence southeasterly along said line of said alley to the center line of First Avenue; running thence southwestly along said line of First Avenue to the center line of Palm Avenue; running thence southeasterly along the center line of Palm Avenue produced to the northerly line of the Chico Cemetery; running thence easterly along said northerly line of the said cemetery to the northeasterly corner thereof; running thence southerly along the easterly line of the said cemetery to the southeasterly corner thereof; running thence westerly along the southerly line of the said cemetery to the center line of the Cemetery Lane, said lane being that certain county road running north and south and connecting Sierra Avenue of the City of Chico with the aforesaid cemetery, being also a well known and established county road; running thence south along said center line of said lane to the southerly line of Vallambrosa Avenue, said avenue being an official county road and running along and adjoining the northerly line of Bidwell Park; Bidwell Park being that certain tract of land conveyed by Annie E. K. Bidwell to the City of Chico, dated July 10th, 1905, recorded in Book 83, Page 41 of deeds in the records of Butte County; following thence easterly along the southerly line of said road and the northerly line of said park to the easterly end of the twenty-second course as set forth in said deed, said course reading, North 54 degrees 00 minutes east, 2707.0 feet; said point being also known as station 23 of the said Park survey; being opposite and near the corner common to Lots 32 and 33 of the 19th subdivision of the John Bidwell Rancho; thence leaving the said southerly line of the said Vallambrosa Avenue and following the said northerly boundary of the said park the following courses and distances:

South 21 degrees 07 minutes east, 678.0 feet; thence curving to the left on the arc of a circle with a radius of 50.0 feet a

Boundaries. distance of 78.5 feet; thence north 68 degrees 53 minutes east, 117.0 feet; thence curving to the right on the arc of a circle with a radius of 100.0 feet a distance of 117.1 feet; thence curving to the left on the arc of a circle with a radius of 235.0 feet a distance of 708.2 feet; thence north 36 degrees 40 minutes west, 199.7 feet; thence curving to the right on the arc of a circle with a radius of 100.0 feet a distance of 73.2 feet; thence north 5 degrees 15 minutes east, 483.9 feet; thence curving to the right on the arc of a circle with a radius of 1400.0 feet a distance of 490.8 feet; thence north 25 degrees 20 minutes east, 291.6 feet; thence north 38 degrees 02 minutes west, 294.6 feet; to the southerly line of Vallambrosa Avenue; thence following easterly along the said line of Vallambrosa Avenue, said line being also the northerly line of the said park, to the north-easterly corner of the 19th Subdivision of the John Bidwell Rancho, said point being also known as station 39 of the Bidwell Park survey; thence running at right angles to the northerly boundary of the said 19th Subdivision, north 21 degrees 03 minutes east, 60.0 feet to the northerly line of that certain county road which runs along and adjoins the said northerly boundary of the said 19th Subdivision of the John Bidwell Rancho and the northerly boundary line of the 18th Subdivision of the said Rancho; running thence westerly along said line of said road to its intersection with the northerly line of the said park, said point being north 40 degrees 10 minutes east, 61.0 feet from station 40 of said park survey; running thence along the said northerly boundary line of the said park north 40 degrees 10 minutes east, 715.6 feet to station 41 of the said survey; thence north 55 degrees 34 minutes east, 1120.0 feet to Station 42 of the said survey, said point being also the point of beginning mentioned in that certain deed describing a certain addition to the aforesaid Bidwell Park conveyed by Annie E. K. Bidwell to the City of Chico, dated May 11th, 1911, and recorded in Book 169, Page 146 of Deeds, Butte County Records; following thence along a line as described in said last mentioned deed, said line being the northerly line of the said lands as described in said last mentioned deed, north 50 degrees 45 minutes east, 6522.0 feet; thence north 78 degrees 24 minutes east, 1632.0 feet; thence north 82 degrees 02 minutes east, 2431.0 feet; thence north 61 degrees 06 minutes east, 3074.5 feet; thence north 34 degrees 08 minutes east, 6328.0 feet; thence north 44 degrees 45 minutes east, 4219.0 feet to a point on the northerly line of the Rancho Chico, said point being also Station 54 of the said Bidwell Park survey, said point being also mentioned in the last mentioned deed; running thence easterly along the north line of the said Rancho Chico 2000.0 feet to the north-easterly corner of the said Rancho Chico in the center of Big Chico Creek; meandering thence down the center line of said creek to its intersection with the line dividing the north and south half of the southeast quarter of Section 9, Township 22 north, Range 2 East; running thence along said dividing line east 1915.0 feet to the edge of a bluff along the

south side of Big Chico Canyon; thence following said edge of said bluff the following courses and distances; South 63 degrees 30 minutes west, 4580.0 feet, south 85 degrees 20 minutes west, 1760.0 feet; south 75 degrees 00 minutes west, 1400.0 feet; north 15 degrees 00 minutes west, 240.0 feet to a point near the south bank of Big Chico Creek; thence south 75 degrees 00 minutes west, 1550.0 feet to the northwesterly corner of the 21st Subdivision of the John Bidwell Rancho, said point being also Station 76 of the Bidwell Park Survey; following thence in a southerly and westerly direction along the northerly line of the said 21st subdivision, said line being also the southerly line of the aforesaid Bidwell Park, to its intersection with the northerly line of Centennial Avenue; thence westerly along said northerly line of Centennial Avenue to its intersection with the production of the easterly boundary line of the State Forestry; running thence westerly and following the easterly and northerly line of the said Forestry, said line being also the southerly line of the said Park, to the northwesterly corner of the said Forestry, being also Station 114 of the said Bidwell Park Survey; running thence along the said Park line the following courses and distances; South 16 degrees 36 minutes east, 20.0 feet; thence north 78 degrees 52 minutes west, 70.7 feet; thence north 89 degrees 15 minutes west, 201.5 feet; thence curving to the left on the arc of a circle with a radius of 400.0 feet a distance of 120.1 feet; thence south 73 degrees 33 minutes west, 324.2 feet; thence curving to the left on the arc of a circle with a radius of 250.0 feet a distance of 135.3 feet; thence south 42 degrees 33 minutes west, 155.7 feet; thence south 35 degrees 08 minutes west, 208.2 feet; thence curving to the left on the arc of a circle with a radius of 500.0 feet a distance of 158.2 feet; thence south 17 degrees 00 minutes west, 368.2 feet; thence south 7 degrees 13 minutes west, 612.0 feet; thence south 22 degrees 52 minutes west, 129.0 feet; thence south 29 degrees 45 minutes west, 235.0 feet; thence south 38 degrees 22 minutes east, 190.0 feet; thence south 51 degrees 38 minutes west, 402.0 feet; thence south 59 degrees 04 minutes west, 444.5 feet to the easterly line of Tulip street of the 13th Subdivision of the John Bidwell Rancho, said point being also the easterly end of the northerly line of Woodland Avenue of the said subdivision; thence southerly along the easterly line of Tulip Street to the center line of Eighth Street, formerly known as Centennial Avenue; thence westerly along the center line of Eighth Street to the center line of Alder Street, formerly Sierra Street of the Ninth Subdivision of the John Bidwell Rancho; thence southerly along the center line of said Alder Street to the center of Little Chico Creek; thence meandering up the center of Little Chico Creek to its intersection with the easterly line of Chapman's North Addition to the City of Chico; thence southerly along the easterly line of Chapman's North Addition and the easterly line of Chapman Town to the intersection of said line with the center line of Irwin Street; thence easterly along the center line of Irwin Street to the center line of "C" Street of the Aisthorp Tract; thence southerly along the center

Boundaries. line of "C" Street to the center line of 19th Street, formerly known as Cave Street of the Baker, Jones and Smith Subdivision; thence westerly along the center line of Cave Street to the center line of Laurel Street; thence southeasterly along the center line of Laurel Street to the center line of that certain alley, being the first alley northerly from Boucher Street of Henry's Second Addition to Chico; thence westerly along the center line of that certain alley to the center line of Mulberry Street; thence southeast along the center line of Mulberry Street to the center line of 20th Street, formerly known as Eighth Street of the Mulberry Tract; thence southwesterly along the center line of Eighth Street to the easterly line of Park Avenue; thence southeasterly along the easterly line of Park Avenue to its intersection with the most southerly line of the Fruitvale Additions produced; thence southwesterly along said southerly line of Fruitvale Additions to the southwesterly corner of said additions; thence northerly along the westerly line of said additions to the southerly line of South Sycamore Street of Barber's Addition to the City of Chico; thence northwesterly along said line of South Sycamore Street to its intersection with the southerly line of Block 21 to Barber's Addition to the City of Chico; thence along the southerly line of Block 21 and its production, which is the southerly line of Barber's Addition to Chico to a point one hundred (100) feet southeasterly from the intersection of the southeasterly line of Del Norte with said southerly line of Barber's Addition; thence running in a straight line to point on the southerly line of Del Norte thirty (30) feet westerly from the intersection of said line with the southerly line of Barber's Addition to the City of Chico; thence in a straight line to the southwesterly corner of Block 22 of Barber's Second Addition to the City of Chico, which is on the northerly line of the property of the Diamond Match company; thence running northwesterly along said northerly line of the property of the Diamond Match company to the northerly corner thereof; thence running southwesterly along the northwesterly line of the property of the Diamond Match Company to its intersection with the westerly line of Thomasson's Addition to the City of Chico; thence northwesterly along the westerly line of said Thomasson's Addition, to the center of Little Chico Creek; thence meandering down the center of Little Chico Creek to the center line of the Dayton Road; thence southerly along the center line of the Dayton Road to the southerly line of Deveney's Addition to Chico; thence northerly along the southerly line of said Deveney's Addition to the City of Chico, to the southwesterly corner thereof; thence running in a straight line to a point in Little Chico Creek, which point is located by the intersection of the center line of Little Chico Creek and a line parallel to the westerly line of Oak Street drawn southerly from the westerly corner of Block 11 of Kemp's Addition to the City of Chico; thence northerly and parallel to the westerly line of Oak Street to the westerly corner of Block Eleven (11) of Kemp's Addition to the City of Chico; thence north-

westerly along the westerly boundary of Kemp's Addition to the City of Chico to a point on said line 246.3 feet southerly from the southerly line of Fifth Street; thence southwesterly and parallel to the southerly line of Fifth Street to the northerly line of the right of way of the Sacramento Northern Railroad, formerly known as the Northern Electric Railroad; thence westerly along said northerly line of said right of way to its intersection with the production of the westerly line of Bryant's Addition of the City of Chico; thence northerly along said westerly line of Bryant's Addition to the City of Chico to the westerly line of Oak Street of said city, aforementioned; thence northerly along said westerly line of Oak Street to the point of beginning.

ARTICLE II.

Powers of the City.

Sec. 1. The City of Chico shall have and exercise the following powers: Powers of
the city.

1. To have perpetual succession.
2. To have and use a corporate seal and alter it at pleasure.
3. To sue and be sued in all courts and places, and in all actions and proceedings whatsoever.
4. To purchase, receive, have, take, hold lease, and use and enjoy property of every kind and description, both within and without the limits of said City, and to control and dispose of the same for the public benefit.
5. To receive bequests, devises, and donations of property of every kind, either absolutely or in trust for any purpose, and to do all acts necessary to carry out the purposes of such bequests, devises and donations, and to manage, control, sell or otherwise dispose of such property in accordance with the terms of such bequests, devises or donations.
6. To exercise police powers and make all necessary police and sanitary regulations, and to adopt ordinances and prescribe penalties for the violation thereof.
7. To levy and collect taxes and assessments, impose license fees for revenue or regulation, and provide all means for raising the revenue necessary for the city.
8. To borrow money, incur municipal indebtedness and provide for the issuance of bonds or other evidences of such indebtedness.
9. To acquire, construct, maintain and operate all necessary works for and supplying of the City and its inhabitants with water, light, heat, power, telegraphic and telephonic communication, and for the conveyance of passengers and freight over, under and upon public streets and rights of way secured therefor; to fix rates for all commodities furnished or services rendered, and to dispose of commodities produced or render service in connection with such works outside of the boundaries of said City.
10. To improve the streams and channels flowing through the City or adjoining the same; to widen, straighten and deepen the channels thereof, and remove obstructions there-

Powers of
the city.

from; to construct and maintain embankments and other works to protect the City from overflow.

11. To establish and change the grade and lay out, open, extend, widen, change, vacate, pave, re-pave, or otherwise improve all public streets and highways and public places, construct sewers, drains and culverts, to plant trees, construct parking, and to remove shrubs and woods; to levy special assessments to defray the whole or any part of the cost of such works or improvements. Also to provide for the repair, cleaning and sprinkling of such streets and public places.

12. To acquire, construct and maintain all works necessary for the disposition of sewage, garbage and waste; and to define and abate nuisances.

13. To establish and maintain hospitals, indigent homes, and all other charitable institutions.

14. To acquire and maintain parks, play-grounds, and places for recreation, and to establish boulevards and regular traffic thereon.

15. To acquire and maintain markets, baths, and public halls and auditoriums.

16. To establish and maintain schools, libraries, museums, art galleries, and gymnasiums, and to do all things to promote the education of the people.

17. To equip and maintain a fire department and to make all necessary regulations for the prevention of fires.

18. To acquire, construct and maintain all buildings necessary for the transaction of public business.

19. To exercise the right of eminent domain for the purpose of acquiring real and personal property of every kind for any public use.

20. To grant temporary permits to use the streets or public property, revokable at any time without notice.

21. To regulate and establish rates and charges to be imposed and collected by any person or corporation for commodities or services rendered under or in connection with any franchise, permit or license heretofore or hereafter granted by the town or city or other authority.

22. To exercise such other powers as are now or may be hereafter granted by the legislature to the municipalities within the state unless the exercise of such powers is contrary to the provisions of this charter.

23. To exercise all other needful powers for the efficient administration of the municipal government whether such powers are herein expressly enumerated or not.

24. Lastly, this grant of power is to be liberally constructed for the purpose of securing the well being of the municipality and its inhabitants.

ARTICLE III.

Elections.

Sec. 5. General municipal elections shall be held on the second Monday in April of each odd numbered year. The first election under this charter shall be held on the second Monday in April, 1923. General elections.

Sec. 6. **CALLING THE ELECTION:** The Council shall by ordinance order the calling and the holding of elections. Such ordinance shall specify the objects, time and places within the City for holding such elections, and the names of the inspectors, judges of election, and clerks for each voting precinct into which the City shall be divided for the holding and making returns of such elections. The number of election officers at each precinct shall not exceed six in number, at least three of whom shall be present at all times during the election. Said ordinance shall be published once each week in a local paper of general circulation during the two weeks next before the time appointed for holding the election. Calling elections.

Sec. 7. **FILING THE RETURNS:** The returns from each election precinct shall be filed with the Clerk, and no person shall be permitted access to them until canvassed by the council. After having been canvassed they shall be sealed up by the Clerk for six months and no person shall have access to them except on order of a court of general jurisdiction. Filing returns.

Sec. 8. **NOTIFYING THE SUCCESSFUL CANDIDATES:** After the result of an election is declared, the Clerk, under his hand and official seal, shall issue a certificate thereof and serve the same personally or by mail upon the person elected. Notice to successful candidates.

Sec. 9. **PROVISIONS OF STATE LAW TO APPLY:** The provisions of the laws of the State of California relating to the qualifications of electors, the manner of voting, the duties of election officers, and all other particulars in respect to the management of elections, so far as they may be applicable, shall govern all municipal elections, except as otherwise provided in this Charter. Laws applicable.

Sec. 10. **TERMS OF ELECTIVE OFFICERS:** Elective officers shall hold office for a period of four years, from and after eight o'clock P. M. of the third Monday of April following the day of election, and until their successors are elected and qualified. Terms of office

Sec. 11. In the election of councilmen at the first general municipal election, where full terms and one or more unexpired terms are to be filled, the person or persons elected by the highest number of votes shall be elected for the full term, and the person or persons receiving the next highest vote shall be elected for the short term or terms, as the case may be.

ARTICLE IV.

Legislative.

The Council: Powers and Duties

Council.

Sec. 14. The legislative power of the City of Chico shall be vested in a body to be designated The Council, and in the people through the initiative and referendum.

Membershlp,
etc.

Sec. 15.—MEMBERSHIP, TERMS, ETC.; The Council shall consist of five members elected by the voters of the city at large, for four years. Councilmen shall serve until the election and qualification of their successors. Provided, however, the Council shall have power to divide the city into five wards and to provide for the election of one councilman from each ward by the electors of the whole city.

In the first election the three candidates receiving the highest votes shall serve for four years, and the next two highest for two years. Thereafter members of the council shall be elected for four years, unless elected to fill vacancies, in which case they shall be elected for the remainder of the unexpired term. All members are subject to recall as provided for in this charter. At the time of election, each candidate shall have been an elector of the city for at least three years next preceding the date of the election.

Meetings
and com-
pensation.

Sec. 16. MEETINGS AND COMPENSATION: The Council shall meet in regular session at 8 P. M. the first Tuesday of each month, and at such other times as it may determine. The meeting shall be held in the municipal building and shall be open to the public. A special meeting may be called by the mayor, or by any three members. Written notice of such special meeting must be given, not less than three hours before meeting, to each and every member of the Council in the city.

Quorum.

Sec. 17. QUORUM. Three members of the Council shall constitute a quorum.

General
powers.

Sec. 18. GENERAL POWERS OF THE COUNCIL: Subject to the provisions and restrictions in this charter contained, and the valid delegation by this charter of any of the powers hereinafter included to any person, officer, board or committee, which delegation of power, if any shall control, the council shall have the power in the name of the city to do and perform all acts and things appropriate to a municipal corporation and the general welfare of its inhabitants and which are not specifically forbidden by the constitution of the state or which now or hereafter it would be competent, for this charter specifically to enumerate. No enumeration or specific statement herein of any particular powers shall be held to be exclusive of, or a limitation of the foregoing general grant of powers.

Sec. 19. CERTAIN POWERS AND DUTIES ENUMERATED: The Council shall:

Specific
powers and
duties.

1. Judge of the qualifications of its members and of all election returns.

2. Establish rules of its proceedings.

3. Keep a correct journal of its proceedings. The ayes and noes shall, on demand of any member, be taken and entered therein; and they shall be recorded on all final votes passing any ordinance or resolution, appointing or dismissing any official, and in giving definite direction to any officer.

4. Choose one of its members as presiding officer, to be called mayor, for the term of two years. The mayor shall preside over the sessions of the council, shall sign official documents, when the signature of the council is required by law, and he shall act as the official head of the city on public occasions. When the mayor is absent the members of the council may choose one of their own members to act as mayor pro tem, and he shall for the time being, have the powers of the mayor.

5. Appoint a city clerk and fix his duties and compensation. The clerk shall perform all the duties prescribed by the council and now or hereafter required of him by the laws of the state when not inconsistent with this charter.

6. Appoint a City Assessor and fix his compensation, which office may be combined with that of City Clerk.

7. Appoint a City Tax Collector and fix his compensation.

8. Appoint a City Attorney and fix his compensation.

9. Appoint a City Manager and fix his compensation.

10. Appoint a board of five library trustees.

11. Appoint a board of five park and playground commissioners.

12. Appoint a board of five sidewalk tree commissioners.

13. Provide for the election of a City Treasurer and fix his compensation.

14. Provide for the election of a Police Judge and fix his compensation.

15. Have power to remove any appointee of the Council from his office at the pleasure of the Council by a three-fifths (3-5) vote.

Sec. 20. ORDINANCES: The enactment clause of every ordinance passed by the council shall be: "Be it ordained by the Council of the City of Chico." Ordinances initiated by the people shall have an enacting clause: "Be it ordained by the people of the City of Chico." At least five days must elapse between the introduction and the final passage of any ordinance. A final vote on any ordinance or any vote on any appropriation must be taken only at a regular or adjourned regular meeting. All ordinances must be published once in the official newspaper of the City, or in such other form that it may be sent to the voters. The Council shall determine in any case which method is to be used. Any ordinance granting any franchise or privilege shall be published at the expense of the applicant therefor. Ordinances.

It is provided further, that in case of an extraordinary epidemic or any disaster, such as flood, fire, earthquake, requiring immediate action on the part of any public authorities, an urgency ordinance may be introduced and passed at

either a regular or special meeting without any intervention of time between introduction and final passage.

When
ordinances
take effect.

Sec. 21. WHEN ORDINANCES GO INTO EFFECT: Except as herein provided, no penal ordinance, or measure passed by the council, granting any franchise or privilege, and no ordinance or measure making or authorizing any contract except contracts for improvements, the expenses whereof are to be defrayed by local assessment, and contracts where the subject matter involved is of less value than five hundred dollars, shall go into effect in less than thirty days after its final passage. But ordinances and contracts declared by the Council to be necessary as emergency measures for the immediate preservation of the public peace, health or safety, containing the reasons for their urgency, passed by a four-fifths vote of the whole Council, and not obligating the city for a longer period than one year, may go into effect at the will of the Council, or as otherwise provided by law.

Amending
ordinances.

Sec. 22. AMENDING ORDINANCES: No ordinance shall be revised, re-enacted or amended by reference to its title; but the ordinance to be revised or re-enacted or the section thereof to be amended, shall be re-enacted at length as revised and amended. Any ordinance revised, re-enacted or amended contrary to the provisions of this section shall be void.

General
city work.

Sec. 23. GENERAL CITY WORK: In the erection, improvements and repair of all public buildings and works, in all street and sewer work, and in all work in and about streams or in and about embankments or other works for protection against overflow and erosion, and in furnishing any supplies and materials for the same, or for any other use by the City, when the expenditure required for the same exceeds the sum of Five Hundred Dollars (\$500.00), the same shall be done by contract, and shall be let to the lowest responsible bidder, after advertising for sealed proposals for the work contemplated in at least one issue of the official newspaper. Such notice shall distinctly and specifically state the work contemplated to be done. Except that where plans and specifications or both have been adopted and filed with the City Clerk, reference may be made thereto in the notice. Provided, however, the Council may reject any and all bids, if deemed excessive, and readvertise for bids, or provide by a four-fifths vote, for the work to be done by the City Manager. In case no bid is received, the Council may likewise provide for the work to be done by the City Manager.

Contracts
for official
advertising.

Sec. 24. CONTRACTS FOR OFFICIAL ADVERTISING: The Council shall let annually contracts for the official advertising for the ensuing fiscal year. For this purpose the Council shall advertise in at least one issue of the official newspaper, setting forth distinctly and specifically the work contemplated to be done, and asking for sealed proposals therefor. The proposals shall specify the type and spacing to be used at the rate or rates named in the bids. The Council shall let the contracts for such official advertising to the lowest responsible bidder publishing a daily newspaper in the City which is a

newspaper of general circulation and has been in existence at the time of the awarding of the contract at least one year; provided that the Council may reject any and all bids if found excessive, and advertise for new bids. The newspaper to which the award of such advertising is made shall be known and designated as the "official newspaper."

In no event shall the rate for official advertising exceed the usual rate charged by the paper for publishing legal notices.

Sec. 25. **COUNCILMEN INELIGIBLE TO OTHER CITY POSITIONS:** No councilman shall be eligible to appointment on any board or commission provided for in this charter except as designated in the charter or state laws. Councilmen ineligible to other city positions.

Sec. 26. **VACANCIES IN THE COUNCIL:** A Councilman who is absent three consecutive regular meetings shall forfeit his seat unless excused by the Council for cause. Any vacancy occurring in the Council shall be filled by a person appointed by a majority vote of the Council. Said person so appointed shall serve until his successor is elected, which shall be done at the next regular election at which councilmen are chosen. Vacancies.

Sec. 27. **COMMITTEES OF COUNCIL:** The Council shall appoint such standing and other committees as it deems necessary. Committees.

Sec. 28. **SALE OR LEASE OF CITY PROPERTY:** No sale of real estate shall be authorized by the Council except by ordinance passed by the affirmative vote of four-fifths of all the members, and no lease shall be made for a period longer than five years except by ordinance adopted by the Council. Sale or lease of city property.

Sec. 29. **EXPERT ACCOUNTANT:** At least once each year the Council shall appoint and fix the compensation of an expert accountant who shall investigate the transactions and accounts of all officers having the collection, custody or disbursement of public money, or having the power to approve, allow, or audit demands on the treasury, and bring in such report as the council may require. Accountant.

Sec. 30. **OFFICIAL BONDS:** The Council shall, by ordinance, determine what officers shall give bonds for the faithful performance of their duties, and shall fix the amounts of such bonds; and each of such officers shall, before entering upon the duties of his office, execute a bond to the City in the penal sum provided by the ordinance, including in the same bond the duties of all offices of which he is made, by this charter, or otherwise, ex-officio incumbent. Such bonds must be examined and approved by the Council. Bonds given by the councilmen shall be approved by the City Attorney. All bonds when approved shall be filed with the City Clerk, except the City Clerk's bond, if any, which shall be filed with the Treasurer. All the provisions of any law of this state relating to the official bonds of officers as then existing shall apply to such bonds except as herein otherwise provided. Every officer of the city, before entering upon the duties of his office, shall take and file with the City Clerk the constitutional oath of Official bonds.

office, except that of the City Clerk, which shall be filed with the Treasurer.

ARTICLE V.

Financial.

Appropriations; Budget; Tax Rate.

Annual
estimate.

Sec. 34. **THE ESTIMATE:** The fiscal year of the city shall begin on the first day of January. On or before the second Tuesday in August of each year, the manager shall submit to the Council an estimate of the revenues and expenditures of the city departments for the ensuing year. This estimate shall be compiled from detailed information obtained from the several departments, on blanks to be furnished by the city manager. The classification of the estimate of expenditures shall be as nearly uniform as possible for all departments, and shall give the following information:

1. A detailed estimate of the expenses of each department;
2. Expenditures for corresponding items for the last and for the current fiscal years, including adjustments due to transfers between appropriations plus an estimate of expenditures necessary to complete the current fiscal year.
3. Such information as may be required by the Council or as the manager may deem advisable to submit;
4. The recommendations of the manager as to the amounts to be appropriated, with reasons therefor, in such detail as the Council may direct;
5. Sufficient copies of such estimate shall be prepared and submitted, that there may be copies on file in the office of the Clerk for the inspection of the public.

Budget.

Sec. 35. **BUDGET:** After the estimate of expenses for each department, specified above, have been filed with the city manager, the manager shall proceed to make a tentative budget of all the different departments and submit it to the Council, making a copy for each member.

After the completion of such budget the same shall form the basis for the rate of taxes for the succeeding fiscal year.

Appropriation
ordinance.

Sec. 36. **APPROPRIATION ORDINANCE:** Upon receipt of such estimate, the Council shall prepare and publish a tentative appropriation ordinance, shall fix a time and place for holding a public hearing upon the same, not less than ten days after such publication, and shall give public notice of such hearing, but shall not pass the final appropriation ordinance earlier than ten days after such public hearing.

Transfer
of funds.

Sec. 37. **TRANSFER OF FUNDS:** At the time of fixing the tax levy, the Council shall, by ordinance, establish a general fund and the various funds as provided for by the budget, and no transfer of any money shall be made from any other than the general fund to another until the end of the fiscal year, at which time, after all demands have been paid out of the various funds, the Council may, at its option, transfer any remaining balance to the general fund, except such funds as remain to the credit of the Park, Library and Sidewalk Tree Commission; and the Council may then authorize a transfer

from the general fund to any other in which there is an overdraft created by an actual emergency in the department, but under no other condition may such transfer be made.

Sec. 38. **TAX RATE:** The total tax rate for any one year shall not exceed one per cent of the assessed valuation, unless a special tax be authorized by a two-thirds majority of all votes cast at an election held after at least thirty days' notice in the published call for the election; and the proceeds of all such special tax shall be used for no other purpose than that specified in said call; provided, however, that in addition to said one per cent there shall be included in every annual levy, a sufficient amount to cover all liabilities of the city for principal and interest of all bonds or judgments due and unpaid, or to become due during the ensuing fiscal year and not otherwise provided for. Tax rate.

Provided further, that in addition to the above taxes mentioned, there shall be levied a tax not to exceed twenty cents on each one hundred dollars of assessed valuation for the Library fund; and further there shall be levied a tax not to exceed thirty-five cents on each one hundred dollars of assessed valuation for the support of parks and playgrounds; provided further, that there shall be levied a tax not to exceed two cents on each one hundred dollars of assessed valuation for the support of the Sidewalk Tree Commission; provided further, that the Council may in its discretion levy a tax not to exceed thirty cents on each one hundred dollars of assessed valuation for the purpose of paving or re-paving streets or sidewalks and gutters in front of property belonging to the City.

Sec. 39. **THE CITY ASSESSOR** shall on the first Monday in March of each year assess all property in the City. Assessor.

Sec. 40. **EQUALIZATION:** On the first Monday in July in each year, and daily thereafter until and including the following Saturday, or for such further time as they may find necessary, the Council shall meet as a Board of Equalization, for the hearing and adjudication of all complaints regarding the description, valuation or ownership of assessed property, or the omission of property which should be assessed. Notice of the time and place of such meeting shall be published. Equalization.

At such meetings the Council shall publicly order, and the Assessor shall enter upon the tax roll, all such corrections as may be adjudged equitable. In case of any additional assessment, the Assessor shall immediately send written notice of the same to the person assessed.

Sec. 41. **THE TAX RATE FIXED:** After approval by the Board of Equalization, the tax roll shall be certified by the Clerk, and shall be subject to no further alteration. It shall then be delivered to the Clerk, who shall, within ten days, ascertain and certify to the Council the total valuation of real estate, improvements and personal property. The Council, in view of this and the estimate of income and expenses submitted by the manager, shall, at its first regular meeting in October, Tax rate.

proceed to fix the rate of taxation for the coming year and to apportion the estimated proceeds thereof to the several purposes indicated in the budget.

Extensions.

Sec. 42. **EXTENSIONS:** The Clerk shall at once proceed to extend upon the tax roll, the tax due upon each item, according to the rate fixed by the Council, and a lien in favor of the city as of the first Monday in March of each year in the amount due, together with penalties attached, shall lie automatically against the real property assessed to the delinquent owner, until all taxes due from him are paid.

Time for payment.

Sec. 43. **TIME OF PAYMENT OF TAXES:** The taxes so levied shall become due and payable the first Monday in December of each year and become delinquent the last Monday in December of each year.

Collection.

Sec. 44. **COLLECTION:** After completion of the tax roll, the Clerk shall deliver the roll to the Collector, who shall prepare a bill to taxes due from each tax payer owning real property, on which shall be shown the valuation of each parcel of such owner's property, whether real estate, improvements, or personalty, the rate of assessment, the total amount due on each parcel with the dates when due and when delinquent, and the penalties for delinquency; and not later than the first day of November, he shall mail to each tax payer, or to his authorized agent, whose address is known to him, a duplicate of said bill and shall receive and receipt for all taxes and penalties paid and shall then return the tax roll to the Clerk. The Tax Collector shall note upon the tax roll all collections as made, shall make a daily report to the Clerk of the amount collected, and make daily deposit of the same with the Treasurer.

Procedure for taxation.

Sec. 45. **PROCEDURE FOR MUNICIPAL TAXATION:** Except as in this Article otherwise provided, the assessment of property taxable in the City for municipal purposes, the equalization of assessments and collection of taxes, the sale of property for unpaid taxes and the redemption of property sold for taxes, shall be made and had at the same time and manner, and with like effect, as now or may be hereafter provided by law for the assessment of property, equalization of assessments, levy and collection of taxes and sale of property for unpaid taxes for state and county purposes and redemption thereof; and all provisions of law applicable to such assessment, equalization, levy, collection and sale for state and county purposes are hereby applied to and shall be the law governing such assessment, equalization, levy, collection and sale for municipal purposes, and the respective officers of the city shall have, possess, and perform the same powers and duties in all matters concerning revenue and taxation for municipal purposes as are by law conferred or imposed upon county officers in matters concerning revenue and taxation for state and county purposes.

Special taxes and bonds.

Sec. 46. **SPECIAL TAXES AND BONDS:** Whenever the Council shall determine that the public interest demands an expenditure for municipal purposes, which cannot be provided for out of the ordinary revenues of the city, it may

submit to the qualified voters at a regular or special election a proposition to provide for such expenditure, either by levying a special tax, or by issuing bonds, but no such special tax shall be levied, nor any such bonds issued, unless authorized by the affirmative votes of two-thirds of the electors voting at such election. No bonds shall be issued to meet current expenses.

Sec. 47. **LIMIT OF BONDED INDEBTEDNESS:** The bonded debt of the city shall at no time exceed a total of fifteen (15) per cent of the assessed valuation of all property taxable for the city purposes, and of this fifteen per cent not more than one-half, or seven and one-half ($7\frac{1}{2}$) per cent of the assessed valuation shall at any time be outstanding for improvements of a non-income producing character, except as provided in the next section. Limit of bonded indebtedness.

Bonds to a total amount, not exceeding seven and one-half ($7\frac{1}{2}$) per cent of said valuation, may be set apart and excluded from said limit of fifteen (15) per cent whenever any public utility or utilities for which they may have been issued, shall produce a net income above all charges for operation and depreciation sufficient to pay the principal and interest of the bonds so set apart and excluded as they become due.

Sec. 48. **INVENTORY OF CITY ASSETS:** The City Manager shall, immediately upon taking office and annually thereafter, inventory and appraise the value of all real estate, buildings, furniture and fixtures, supplies, and moveable property of every kind and nature whatsoever, in each department, building and office of the city, and may require of each officer or department head an inventory of the same; and any officer, or department head who neglects or refuses to make such inventory required by the City Manager shall be punishable by removal from office. The annual balance sheet taken from the city ledger shall exhibit, under classified heads, all assets of the city, including its plant, equipment, material and supplies, cash on hand, investments, loans, and all amounts and accounts due and owing, of every character. In like manner such balance sheet shall show, under classified heads, all liabilities of every character. A copy of every contract hereafter entered into, to which the city is a party, duly verified by the City Clerk to be a full, true and accurate copy, shall be filed by the City Clerk with the City Manager within ten days after the same shall have been executed. Annual inventory.

ARTICLE VI.

Police Court; Judicial, Legal and Executive Officers.

Sec. 50. **POLICE COURT:** The judicial power of the city shall be vested in a police court, which court is hereby established. The police judge of the city shall hold said police court and said court shall have jurisdiction concurrently with the justice's courts, of all actions and proceedings, civil and criminal, arising within the corporate limits of the city, and which might be tried in such justice's court. Said police court shall have exclusive jurisdiction of all actions for the Police court.

recovery of any fine, penalty or forfeiture prescribed for the breach of any ordinances of the city; of all actions founded upon any obligation or liability created by any ordinance; and of all prosecutions for any violation of any ordinance. The rules of practice and mode of proceeding in said police court shall be the same as are or may be prescribed by law for justice's court in like cases. Appeals may be taken to the Superior Court of the county in which the City of Chico is located, from all judgments of said police court, in like manner and with like effect as in cases of appeals from justices' courts.

Judge. Sec. 51. The police judge shall be judge of the police court and shall have the powers and perform the duties of a magistrate. He may administer and certify oaths and affirmations.

Judge disqualified. Sec. 52. In all cases in which the police judge is a party, or in which he is interested, or when he is related to either party by consanguinity or affinity within the third degree, or is otherwise disqualified, or in case of sickness or inability to act, the police judge may call upon any justice of the peace residing in the county to act in his stead.

Uniting offices. Sec. 53. The City Council shall have power to unite the office of the Police Judge and City Clerk. The Council may appoint the justice of the peace of the township in which the City of Chico is located, as Police Judge.

Attorney. Sec. 54. **CITY ATTORNEY:** The City Attorney shall be an elector of the City at the time of his appointment, and shall be an attorney and counselor-at-law duly admitted to practice by the Supreme Court of the State of California. He shall have been engaged actually in the practice of his profession for a period of at least four years next before his appointment.

Duties of attorney. Sec. 55. It shall be his duty to prosecute, on behalf of the people, all criminal cases before the Police Court and justices of the peace, for all violations of this character and of city ordinances. It shall be his duty to attend to all suits and other matters to which the City is a party or in which the City may be legally interested. He shall be in attendance at every meeting of the Council, unless excused therefrom.

He shall give his advice or opinion in writing whenever required by the Council, other city officers, or the Board of Education. He shall be the legal adviser of all city officers; he shall approve the forms of all bonds given to and all contracts made with the City; he shall, when required by the Council, or any member thereof, draft all proposed ordinances for the City, and amendments thereto; and shall do and perform all things touching his office as the City Manager may require of him, and at the expiration of his term shall surrender to his successor all books, papers, and documents pertaining to the City's business.

Tax collector. Sec. 56. **THE TAX COLLECTOR** shall perform such duties as are prescribed by this charter, by ordinance, and by

general law. The Council may designate the Chief of Police as Tax Collector.

Sec. 57. THE TREASURER shall be the custodian of all moneys of the municipality, and shall keep and preserve the same in such place or places as may be determined by the Council. He shall pay out money only on warrants issued by the City Clerk as the Council shall direct. Treasurer.

Sec. 58. THE ASSESSOR shall perform all duties prescribed by this charter, by ordinance and by general law, for assessing property for the purpose of taxation. The assessment of property within the city shall be made for each year by the Assessor, and he shall employ such clerical assistance, in the judgment of the council, as may be required to properly prepare such assessment. Assessor.

Sec. 59. THE MAYOR: The Mayor shall be recognized by the courts as the official head of the city for the purpose of serving civil process, by the Governor for the purpose of military law, and shall represent the city for all ceremonial purposes. Mayor.

ARTICLE VII.

City Manager.

Powers and Duties.

Sec. 60. The City Manager need not be resident of the State of California at the time of his appointment. He shall hold office until removed by a three-fifths vote of the whole Council. City manager.

Sec. 61. His powers and duties shall be. Powers and duties.

1. To see that all ordinances of the City are enforced.

2. To appoint and fix the salaries, except as otherwise provided in this charter, of all heads of departments, subordinate officials and employes in the Department of Administration and the Department of Public Utilities, and to remove the same. All salaries shall be fixed subject to the approval by the City Council.

3. To exercise general supervision and direction over all persons, firms, companies and corporations owning, controlling or operating public utilities within the city limits, insofar as any of them are subject to municipal control. This provision is subject to other charter provisions relative to such public utilities as now are or may hereafter be owned by the city;

4. To keep the Council fully informed as to compliance with the law in the operation of public utilities within the city limits; to see that the provisions of franchises, permits and privileges granted the City are fully observed, and to report to the Council any violation thereof;

5. Board of Social Service. To appoint a board of social service, which shall, under him, have charge of all matters pertaining to the care and relief of the needy, the establishment of employment bureaus, day nurseries and the like. Said board shall, under the City Manager, have charge of the expenditure of the relief fund provided by the Council. It

may receive and distribute gifts from private individuals and from institutions. Its appointed members shall serve without compensation;

6. To act as purchasing agent for all departments of the city except those of education and recreation. In those departments he shall assist in making purchases when requested to do so by the respective boards in control thereof;

7. To attend all meetings of the Council unless excused therefrom by the Council or by the Mayor;

8. To examine or cause to be examined, without notice, the conduct of any officer or employee in the departments of Administration and Public Utilities;

9. To keep the Council advised as to the needs of the City;

10. To appoint a secretary, whose compensation shall be fixed by the Council;

11. To prepare or cause to be prepared, plans, specifications, etc., for work, which the Council may order, coming under his supervision;

12. To have control, subject to such ordinances as may from time to time be adopted, of all public utilities owned and operated by the City;

13. To devote his entire time to the interests of the City;

14. He may appoint advisory boards of such number of members as he may deem best, to confer with him and assist him in his management. Members of advisory boards shall serve without pay.

15. The City Manager may appoint a street superintendent, and may combine in one appointment the offices of street superintendent and city engineer. The street superintendent shall be head of the street department.

16. The City Manager shall be ex-officio member of the Board of Social Service.

Sec. 62. In the absence or disability of the City Manager, the Council shall fill the vacancy by temporary appointment.

Engineer.

Sec. 63. CITY ENGINEER: The City Manager shall appoint a city engineer. He must be a civil engineer, who has practiced his profession not less than five years. The city engineer shall possess the same power in making surveys, plats and certificates as is given by law to city engineers and to county surveyors. He shall be the custodian of and shall be responsible for, all maps, plans, profiles, field notes and other records and memoranda belonging to the city, and pertaining to his office and to the work thereof; all of which he shall keep in proper order and condition, with full indexes thereof, and shall turn over the same to his successor, taking from him duplicate receipts therefor, one of which he shall file with the clerk. All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him or under his direction or control, during his term of office, or that he may have received from his predecessor, shall remain the property of the city.

ARTICLE VIII.

Department of Administration.

Sec. 65. The Department of Administration, when herein referred to, shall be held to include the Department of Safety, the Department of Streets, which department is hereby created, and also, (subject to the city ordinances and general law) the control of all street and sewer work, the erection and repair of all buildings, (except such as may be under the control of the Board of Education, the Library Board, or the Park Commission).

Includes what.

Sec. 66. The Department of Administration shall embrace all other executive and administrative functions of the city government not otherwise provided for, and shall be under the direction and control of the City Manager, subject to the limitations of this charter.

Other functions.

ARTICLE IX.

Department of Public Safety.

Sec. 69. The Department of Public Safety shall include a police department, a fire department, and a health department, which departments are hereby created. Said departments shall be under the control of the City Manager, subject to provisions of this charter otherwise provided.

Includes what.

Sec. 70. The Mayor may take command of the police and govern the city by proclamation during time of public danger and emergencies for a period not exceeding twenty-four hours and he shall himself be the judge of what constitutes such public dangers or emergencies; such command may be continued for a longer period by a majority vote of the City Council at a special meeting called for that purpose.

Emergency power of mayor.

Sec. 71. POLICE DEPARTMENT: The City Manager shall appoint a chief of police and shall appoint and remove subordinates in the police department subject to the provisions herein stated. The chief of police shall make rules and regulations for the government of the police department, subject to approval by the City Manager. The City Manager shall be the sole judge as to the fitness of applicants for positions in the police department.

Police department.

Sec. 72. FIRE DEPARTMENT: The City Manager shall appoint the chief of the fire department and shall appoint and remove subordinates in said department subject to the provisions hereinafter stated. The chief of the fire department shall make rules and regulations for the government of the fire department, subject to the approval by the City Manager, and shall exercise such powers as are provided by state law or as are or may be provided by ordinance.

Fire department.

Sec. 73. HEALTH DEPARTMENT: The City Manager shall appoint a health officer. He shall hold office during the pleasure of the City Manager and shall be head of the Health Department. As health officer, he shall have all the powers and shall be subject to all the duties conferred on

Health department.

Boards of Health and on health officers by the general laws of the state, and shall have such other powers and duties as may be conferred by ordinance. This office may be combined with some other if deemed advisable by the Council.

ARTICLE X.

Department of Education.

Schools and Libraries.

Board of
education.

Sec. 81. **BOARD OF EDUCATION:** The control of the Public School Department of the City of Chico, including the whole of Chico School District, shall be vested in a Board of Education, which shall consist of five members elected from the district at large. They shall receive no compensation, and their term of office shall be for four years.

Terms of
office.

Sec. 82. In the first election for members of the Board of Education under this charter the three candidates receiving the highest vote shall serve for four years, and the next two highest for two years. Thereafter members of the Board of Education shall be elected for four years, unless elected to fill vacancies, in which case they shall be elected for the balance of the unexpired term. Members of the Board of Education shall be subject to recall as provided in this charter.

Powers
and duties.

Sec. 83. The powers and duties of the Board of Education shall be such as are prescribed by the constitution and laws of the State of California covering city boards of education.

Annexing
territory.

Sec. 84. Territory may be annexed to the Chico School District under this charter in the same manner as is provided by state law for the annexation of territory to cities for school purposes.

High school
board.

Sec. 85. The Board of Education shall organize and act as a High School Board as provided by the laws of the State of California.

Library
trustees.

Sec. 86. **LIBRARY TRUSTEES:** The Board of Library Trustees shall consist of five members, each to serve for four years, except that, at the first appointment under this charter, two shall be appointed for two years; three for four years; and thereafter appointments shall be for four years. In case of a vacancy in the membership of said board, the same shall be filled by an appointee of the remaining members of the board for the remainder of the term then vacant. Library Trustees shall receive no compensation.

Maintenance
of library.

Sec. 87. The Board of Library Trustees shall maintain the Chico Free Library in accordance with the laws of the state governing free public libraries and reading rooms.

Library fund.

Sec. 88. **LIBRARY FUND:** The Board of Library Trustees shall have the management and disbursement of all funds regularly appropriated or received for the support of the public library. All bills, demands, or claims, after having been audited by said Library Board, shall be presented in the same form as other bills against the City of Chico, to the Council, and shall then be paid in the same manner as all other bills

of said city, except that all library bills shall be paid out of the Library Fund, which fund is hereby established

Sec. 89. The Board of Library Trustees shall also be the trustees and custodians of all museums, art galleries or academies of science, which may be established by gift or grant or otherwise in the City of Chico for the diffusion of mechanical, scientific, artistic or general knowledge and shall conduct the same under the general laws of the State of California unless otherwise provided for by the gift or grantor. Museums,
etc.

Sec. 90. The City Council, by ordinance, may create a fund for the maintenance of said institutions, the same to be raised by a special tax or as may be otherwise provided by general law or ordinance. Maintenance.

ARTICLE XI.

Department of Recreation.

Bidwell Park and Playground Commission.

Sec. 93. The Council shall appoint a Board of Park Commissioners to be known as the Bidwell Park and Playground Commission, consisting of five members, each to serve four years, except that of the first appointments under this charter, two shall be appointed for a term of two years. Thereafter appointments shall be for four years. In case of a vacancy in the membership of said board, the same shall be filled by an appointee of the remaining members of the board for the remainder of the term then vacant. The members of the commission shall receive no compensation for their services. Three members shall constitute a quorum for the transaction of business. They shall elect a chairman and secretary to act for said Board. Appoint-
ment, terms
of office, etc.

Sec. 94. The commission shall have the full and exclusive power to govern, manage and direct all of the parks and playgrounds now owned by the City of Chico, and any and all which may hereafter be acquired: to lay out, regulate and improve the same; to employ and appoint such superintendents, clerks, surveyors and engineers, supervisors, laborers and other officers and assistants as the commission deems necessary for the management of said parks and playgrounds and its affairs. The said commission shall have power, not to exceed the power conferred on the City of Chico by any deed of gift of any park or playground, to do and perform everything necessary for the care and management and improvement of any park or playground that the said City of Chico might do, conferring all of said powers on said commission, including the right to lease or let the whole or any portion of the city's parks or playgrounds under the terms and conditions of said gifts. Control
of parks.

Sec. 95. The commissioners shall have authority and power to adopt such rules as they may deem necessary for the regulation, use and government of the parks and playgrounds under their supervision. Such rules, after being adopted, Rules for
use of parks.

shall be published for at least one insertion in the official city paper, and shall be in effect thirty days after their passage, approval and publication; and all persons violating and offending against such rules and regulations shall be guilty of misdemeanor, and on the sentence of a competent court, shall be fined to an amount not to exceed one hundred (\$100.00) dollars or imprisoned in the city jail of the City of Chico not to exceed ninety (90) days or shall be subject to both fine and imprisonment.

Donations,
legacies and
bequests.

Sec. 96. The commissioners may accept donations, legacies or bequests for the aid and improvement of the parks and playgrounds under their control, provided that all moneys that shall be derived from such donations, legacies or bequests, shall, unless otherwise provided for under the terms of such donations, legacies, or bequests, be deposited in the treasury of the City of Chico to the credit of the Bidwell Park and Playground Fund.

Provided further, however, that the commissioners may invest such donations, legacies or bequests, if not needed for immediate use in their judgment, in interest bearing securities of the United States Government, the State of California, municipal corporations or school districts, and the commission may change the form of such investment as they may deem best.

Management
and disburse-
ment of
funds.

Sec. 97. The commissioners shall have the management and disbursement of funds regularly appropriated or received for the support of the parks and playgrounds under its control, provided, however, that all bills, demands or claims, after having been audited by the said commission, shall be presented to the Council of said City of Chico for payment out of the Bidwell Park and Playground Fund, which fund is hereby established.

Sidewalk
tree
commission.

Sec. 98. The Council shall appoint a Commission to be known as the Sidewalk Tree Commission, consisting of five members, to serve for four years. Vacancies shall be filled by appointment of the Council. The members of this Commission shall receive no compensation. The City Manager and the City Engineer shall be ex-officio members of this Commission. In case these offices are combined, the Superintendent of Street shall be an ex-officio member of the Commission.

Powers
and duties.

Sec. 99. The Commission shall have full and exclusive charge of the propagation, purchasing, planting, re-planting, pruning and care of the trees on the streets of the City: provided, however, that in the case of side-walk tree planting, the property owner may have the option of selecting what specie of tree shall be planted. They shall have power to appoint superintendents, employees and assistants in the performance of their work. They shall not have power, however, to remove any tree or trees, unless said tree or trees are dead or dangerous to public traffic, on the streets of the City without the consent of the owner or owners of the property fronting thereon and the approval of the Council.

Sec. 100. The Commission shall have the management and disbursement of all funds regularly appropriated or received for the execution of their work and the care of the sidewalk trees; provided, however, that all bills, demands or claims, after having been audited by the said Commission, shall be presented to the Council of the said City of Chieo for payment out of the Sidewalk Tree Fund, which Fund is hereby created.

Funds.

ARTICLE XII.

Public Works and Supplies.

Sec. 105. FORM OF CONTRACT. All contracts shall be drawn under the supervision of the City Attorney. All contracts must be in writing, executed in the name of the City of Chieo by an officer or officers authorized to sign the same.

Contracts.

Sec. 106. PROGRESSIVE PAYMENTS ON CONTRACTS. Any contract may provide for progressive payments, if in the ordinance authorizing or ordering the work permission is given for such a contract. But no progressive payments can be provided for or made at any time which, with prior payments, if there have been such, shall exceed in amount at that time seventy-five per cent of the value of the labor done and the materials used up to that time, and no contract shall provide for or authorize or permit the payment of more than seventy-five (75) per cent of the contract price before the completion of the work done under said contract and the acceptance thereof by the proper officer, department or board.

Progressive payments.

Sec. 107. EIGHT HOUR DAY. The maximum time of labor or service required of any laborer, workman or mechanic employed upon any municipal work, whether so employed directly by the City and its officers, or by a contractor or sub-contractor, shall be eight hours during any one calendar day.

Eight hour day.

Sec. 108. COLLUSION WITH BIDDER. Any officer of the City, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information, or who shall wilfully mislead any bidder in regard to the character of the material or supplies for, or who shall knowingly accept materials or supplies of a quality inferior to those called for by the contract, who shall knowingly certify to a greater amount of labor performed than has been actually performed, or to the receipt of a greater amount or different kind of material or supplies than has been actually received, shall be deemed guilty of a malfeasance and shall be removed from office.

Collusion with bidder.

Sec. 109. COLLUSION BY BIDDER. If at any time it shall be found that the person to whom a contract has been awarded, had, in presenting any bid or bids, been in collusion with any other party or parties for the purpose of preventing any other bid being made, then the contract so awarded shall be null and void, and the Council shall advertise for a new

Collusion by bidder.

contract for said work or provide for such public work to be done by the City Manager.

ARTICLE XIII.

Franchises.

What
governs
granting.

Sec. 111. In granting franchises the City Council shall be governed by the general laws of the state in force at the time, and franchises shall be granted only upon the further conditions hereinafter provided.

Deposit to
cover costs.

Sec. 112. Every application for a franchise shall be accompanied by a cash deposit or certified check sufficient in amount to pay in full all costs of advertising and other preliminary expenses connected with the offering for sale of such franchises and the granting of the same, which deposit shall not be less than one hundred (\$100.00) dollars. Said deposit shall be returned in case the City Council shall determine that neither the public necessity nor the public interest requires the granting of the franchise, or in case the franchise be granted to a person other than said applicant. The cost of advertising and other costs hereinabove referred to connected with the offering for sale and granting of said franchise shall be paid by the successful bidder for said franchise, and such payment shall be a condition precedent to the vesting of the franchise.

Payments
to city.

Sec. 113. Franchises may be granted by the City Council to the persons, firm or corporation only that shall bid therefor the highest percentage of the gross annual receipts arising from the use, operation or possession of such franchise, provided that such percentage shall be not less than two per cent.

In the event that any public utility shall be taken over by the City, by purchase or condemnation, the franchise shall have no value.

ARTICLE XIV.

Initiative, Referendum, and Recall.

Initiative,
referendum,
and recall.

Sec. 116. The laws of the State of California providing for the Initiative, Referendum, and Recall in cities, as they now exist or hereafter may be amended, are hereby made a part of this charter and all action under the Initiative, Referendum, and Recall in the City of Chico shall be taken in accordance with said laws.

ARTICLE XV.

Miscellaneous Provisions.

General
laws
applicable.

Sec. 121. All general laws of the state applicable to municipal corporations, now or hereafter enacted, and which are not in conflict with the provisions of this charter or with ordinances or resolutions hereafter enacted, shall be applicable to the city.

Words and
phrases.

Sec. 122. Whenever in this charter the word "City" occurs, it means the City of Chico; and every department,

board or officer, whenever either is mentioned, means a department, board or officer, as the case may be, of the City of Chicoo.

Sec. 123. The compensation of elected officers shall not be increased or diminished during the terms of their respective offices. Compensation

Sec. 124. If any officer of the city shall remove from the city, or absent himself therefrom for more than thirty days consecutively without the permission of the council, or if he shall fail to qualify by taking the oath of office and filing his official bond, whenever such bond is required, within fifteen days from the time his certificate of election or appointment is mailed or delivered to him, or if he shall resign, or if he shall be convicted of a felony, or if he shall be adjudged insane, his office shall be vacant. Word creates vacancy in office.

Sec. 125. The improvement, widening and opening of streets, and all matters not specified in this charter, shall be done, and assessments therefore levied, in conformity with and under the authority conferred by general law. Street work.

Sec. 126. All officers and boards shall deliver to their successors all papers, books, documents, records, archives and other properties pertaining to their respective offices or departments, in their possession or under their control. Property of office.

Sec. 127. No member of the Council, or of any board, and no officer or employe of the city shall be or become directly or indirectly interested in any contract, work or business, or in the sale of any article, the expense, price or consideration of which is payable from the city treasury, nor shall either or any of them receive any gratuity or advantage from any contract or person furnishing labor or material for the same; and any contract with the city in which any such officer or employe is or becomes interested shall be declared void by the Council. Interest in public contracts.

Sec. 128. No member of this Board of Freeholders shall accept any remunerative appointive office in the employ of the City of Chicoo, until two years shall have elapsed after this charter is approved by the Legislature. Appointment of freeholder to office.

Sec. 129. All officers, clerks, and assistants of the city and departments thereof, except such as may be employed for special purposes, must be citizens of the United States and residents of the City of Chicoo during their period of employment. Officers must be citizens.

Sec. 130. No officer or employe of the city shall give or promise to give to any person any portion of his compensation, or any money or thing of value in consideration of having been, or of being nominated, appointed, voted for or elected to any office or employment. Buying office.

Sec. 131. No officer or employe shall accept any donation or gratuity in money, or other thing of value, either directly or indirectly, from any subordinate or employe, or from any one under his charge, or from any candidate or applicant for any position as employe or subordinate in any department of the city. Gifts to officers.

Officer not to aid bidder.

Sec. 132. No officer or employe of the city shall aid or assist a bidder in securing a contract to furnish labor, or material or supplies at a higher price or rate than that proposed by any other bidder, or shall favor one bidder over another, giving or withholding information, or shall willfully mislead any bidder in regard to the character of the material or supplies called for, or shall knowingly accept materials or supplies of a quality inferior to that called for by the contract, or shall knowingly certify to a greater amount of labor performed than has actually been performed, or to the receipt of a greater amount of material or supplies than has actually been received.

Unauthorized claims.

Sec. 133. Every officer who shall willfully approve, allow or pay any demand on the treasury not authorized by law, shall be liable to the city individually and on his official bond, for the amount of the demand so approved, allowed or paid, and shall forfeit such office and be forever disbarred and disqualified from holding any position in the service of the city.

Payment of moneys into city treasury.

Sec. 134. All city officials, except the tax collector and employes empowered to collect money for fees, permits, licenses, inspection, services, or other municipal charges, shall collect the same promptly at the time they become due, turn them into the city treasury weekly, and report the same to the city clerk. All such moneys and all fines or pecuniary penalties or forfeitures which may accrue to the city, and all funds which may remain in the possession of the city unclaimed after a period of one year from the date when due and payable, shall be credited to the General Fund of the city, and shall be applicable to any purpose to which the Council may appropriate them, and the Council shall appropriate from this fund whatever sum may be necessary to pay valid claims of more than one year's standing.

Inspection of books and records.

Sec. 135. All books and records of every office and department shall be open to the inspection of any citizen during business hours, subject to the proper rules and regulations for the efficient conduct of the business of such department or office; but the records of the police department shall not be subject to such inspection except by permission of the proper police authorities.

Copies of extracts.

Sec. 136. Copies of extracts, duly certified, from said books and records open for inspection, shall be given by the officer having the same in custody to any person demanding the same and paying or tendering ten cents per folio of one hundred words for such copies or extracts, and the additional sum of twenty-five (25) cents for certifying.

Office hours.

Sec. 137. Unless otherwise provided for by law, all city officers, except the treasurer, shall keep their offices open for the transaction of business continuously from 9 o'clock A. M. to 5 o'clock P. M. each day, except Sundays and holidays.

Ordinances continued.

Sec. 138. All ordinances and resolutions in force at the time this charter takes effect, and not inconsistent therewith, shall continue in full force until amended or repealed.

Sec. 139. This charter may be amended in accordance with the provisions of Section 8, Article 11, of the Constitution of the State of California. Amendment of charter.

Sec. 140. All officers and employes, when this charter takes effect, shall continue to hold and exercise their respective offices or employment, under the terms of this charter, until the election or appointment and qualification of their successors. Officers continued.

Sec. 141. The present Board of Trustees shall provide for the holding of the first election of officers under this charter and shall canvass the votes and declare the results thereof. First election.

Sec. 142. All vested rights of the city shall continue and shall not in any manner be affected by the adoption of this charter, nor shall any right, liability, pending suit or prosecution, either in behalf of or against the city, be affected by the adoption of this charter, unless otherwise herein expressly provided. All contracts entered into by the city or for its benefits prior to the taking effect of this charter shall continue in full force and effect. All public work begun prior to the taking effect of this charter shall be continued and perfected hereunder. Public improvements for which legislative steps shall have been taken under laws in force at the time this charter takes effect, may be carried to completion in accordance with the provisions of such laws. Vested rights, contracts, etc.

Sec. 143. No councilman shall in any manner attempt to influence the city manager in the making of an appointment, or in the purchase of supplies. Influencing appointments.

Sec. 144. If any section or part of a section of this charter proves to be invalid, it shall not be held to invalidate or impair the validity of any other section or part of a section, unless it clearly appears that such other section or part of a section is dependent for its operation upon the section or part of a section so held invalid. Validity of sections.

Sec. 145. When making purchases for all departments of the city, local merchants shall be given the preference, quality and price being equal. Preference to local merchants.

Sec. 146. Neither the city manager, nor any person in the employ of the city shall take any active part in securing, or shall contribute money toward the nomination or election of any candidate for a municipal office. Campaign contributions.

Sec. 147. All the powers of the city except as otherwise provided by this charter, are hereby vested in a council of five members. Powers of council.

Sec. 148. For the purpose of electing members of the Council, and members of the Board of Education, and elective officers of the city, and all purposes connected therewith this charter shall take effect from the time of its approval by the legislature. For the purpose of establishing departments, divisions and officers, and distributing the functions thereof, and for all other purposes, shall take effect on the third Monday of April, 1923. Charter takes effect.

WHEREAS, the City of Chico for years past has been and now is a city containing a population of more than three

thousand five hundred inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

WHEREAS, on the 4th day of June, 1921, at a special election duly held on that day in said city, under and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the electors of said City did duly choose and elect Nellie A. Allen, John C. Burdon, W. J. Costar, W. B. Dean, L. G. Faulkner, Henry Haile, Ed. Harkness, W. W. Head, H. E. Nichols, M. C. Polk, S. A. Reynolds, H. A. Roth, A. M. Scott, Margaret Warren and John S. Waterland (who were all electors of said city and eligible as candidates under said section) a Board of fifteen Freeholders to prepare and propose a charter for the government of the said city; and

WHEREAS, the result of said election was duly declared by the legislative body, to-wit: the Board of Trustees of said city on the 7th day of June, 1921, and the said electors with the exception of the said S. A. Reynolds thereafter duly qualified as such Freeholders in accordance with law:

BE IT KNOWN, That in pursuance of the provisions of said constitution and within the period of one hundred and twenty days after the result of said election was so declared, the board of freeholders has prepared and does now propose the foregoing as and for the charter of the City of Chico; and

BE IT FURTHER KNOWN, That the said Board of Freeholders hereby requests said council to cause the publication of the said proposed charter as provided by said Section 8 of Article XI and fixes Thursday, the 15th day of December, 1921, as the date for holding an election in said city, at which the proposed charter shall be submitted to the electors of said city for their ratification and adoption.

IN WITNESS WHEREOF, we the undersigned freeholders have hereunto set our hands at the City of Chico, County of Butte, State of California, this 16th day of September, 1921.

A. M. SCOTT, Chairman.
M. C. POLK.
W. B. DEAN,
NELLIE A. ALLEN,
MARGARET WARREN,
ED. HARKNESS,
W. J. COSTAR.
JNO. S. WATERLAND,
H. A. ROTH,
W. W. HEAD,
H. E. NICHOLS.

Filed this 21st day of September, 1921.

IRA R. MORRISON,
City Clerk of the City of Chico.

Certificate.

We do hereby certify that the foregoing constitutes a full and true statement of all the acts and proceedings had by the City of Chico in the matter of the election of a Board of Free-

holders, and in the preparation, proposing, filing, voting upon and canvassing the returns and declaring the result of the election, in the matter of the proposed Charter for the government of the said City of Chico, and that the said Charter as hereinbefore set forth is a full, true and correct copy of the Charter as prepared and proposed by the said Board of Freeholders and filed in the office of the City Clerk of said City of Chico on the 21st day of September, 1921. That the certificate of the Board of Freeholders attached hereto is a true and correct copy of said certificate of the Board of Freeholders of the said City of Chico.

IN WITNESS WHEREOF, we have hereunto set our hands, and hereunto affixed the Seal of the City of Chico, this 15th day of January, 1923.

[SEAL.]

S. A. REYNOLDS,
President of the Board of Trustees of the
City of Chico.

IRA R. MORRISON,
City Clerk of the City of Chico.

And

WHEREAS, Said charter has been submitted to the legislature of State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with section eight of article eleven, of the constitution of the State of California; now, therefore, be it

Approval by
legislature.

Resolved by the assembly of the State of California, the senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the said charter so prepared, proposed, adopted and ratified by a majority of the qualified electors of said city of Chico, and as hereinabove fully set forth, be and the same is hereby approved as the charter of the city of Chico.

CHAPTER 13.

Assembly Concurrent Resolution No. 3—Approving the charter of the city of Visalia, State of California, ratified by the qualified electors of said city at a special election held therein on the fourth day of January, 1923.

[Filed with Secretary of State February 3, 1923.]

WHEREAS, The city of Visalia, in the county of Tulare, State of California, is now and at all times herein referred was a city containing a population of more than three thousand five hundred inhabitants, as ascertained by the last preceding census taken under the authority of the congress of the United States; and

Visalia city
charter.

WHEREAS, Said city of Visalia is now and at all times herein mentioned was a municipal corporation duly organized and existing under the general laws of the State of California as a city of the fifth class; and

WHEREAS, Proceedings have been duly had in and by the said city of Visalia for the preparation, proposal, adoption and ratification of a charter for the government of said city of Visalia, all as set out in the following certificate of the president of the board of trustees and the city clerk of said city of Visalia, to wit:

STATE OF CALIFORNIA, }
 County of Tulare, } ss.
 City of Visalia. }

Certificate.

We, the undersigned, Isaac Charl., President of the Board of Trustees, of the City of Visalia, State of California, and Ida Markham, City Clerk of said City of Visalia, do hereby certify and declare as follows:

That the City of Visalia, in the County of Tulare, State of California, is now and at all times herein referred to was, a City containing a population of more than thirty-five hundred inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States.

That said City of Visalia is now, and at all times herein mentioned was, duly organized and existing under the general laws of the State of California as a city of the Fifth Class.

That pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California, the Board of Trustees of the City of Visalia, which was then and there the legislative body of said City, did by a two-thirds vote of all its members pass an ordinance calling a special election to be held on the 29th day of May, 1922, for choosing a board of fifteen freeholders to prepare and propose a Charter for the government of said City of Visalia and gave due notice of said election as required by law; that at said election held on said 29th day of May, 1922, a board of fifteen freeholders was chosen by the electors of said City to prepare and propose a Charter for the government of said City, the names of said freeholders so chosen being as follows:

JAMES M. BURKE	GILBERT B. FURNESS
N. F. BRADLEY	JOSEPH SHERMAN
J. SUB JOHNSON	ADOLPH D. SWEET
BEN M. MADDOX	J. E. RICHARDSON
J. A. ALLEN	JOS. R. BARBONI
E. I. FREEMSTER	CITAS. H. J. HAUSCH
L. C. HYDE	NORMAN C. WOLFF
	IRA CHRISMAN

That the returns of said election were canvassed and the result thereof declared by the Board of Trustees of the said City of Visalia on the 2nd day of June, 1922.

That before the expiration of one hundred and twenty days after the result of said election was declared, to-wit, on the 25th day of September, 1922, said Board of freeholders did determine and declare that the period of one hundred and twenty days was insufficient time for the preparation and pro-

posal of a Charter for the government of said city, and did thereupon on said 25th day of September, 1922, with the consent of the legislative body of said city to-wit, the Board of Trustees of said City, extend the said period of one hundred and twenty days for an additional period of twenty-one days: that prior to the expiration of said period as so extended the said Board of freeholders did prepare and propose a Charter for the government of said City of Visalia, which Charter was signed by all of the members of said Board of freeholders and was filed in the office of the City Clerk of said City of Visalia on the 13th day of October, 1922; and that said Board of freeholders did before such filing, fix and designate on said Charter the 4th day of January, 1923, as the date upon which said Charter should be submitted to the electors of the City of Visalia, for their ratification. That thereupon said Board of Trustees of the City of Visalia, by ordinance, duly called and ordered the holding of a special election in said City of Visalia on the 4th day of January, 1923, and gave notice of the holding of said election as required by law, at which election there was submitted to the qualified electors of said City the question whether said proposed Charter prepared and filed by said Board of Freeholders should be ratified and adopted as the Charter for the government of the City of Visalia. That within fifteen days after the filing of said Charter said Board of Trustees caused the same to be published one time, to-wit, upon the 28th day of October, 1922, in the Visalia Daily Times, which was then and there a newspaper of general circulation printed and published in said City and the official paper of said City; that said Board of Trustees caused copies of said proposed Charter to be printed in convenient pamphlet form and kept in the office of the City Clerk of said City, which printing was completed not later than fifteen days after the filing of said proposed Charter, and also, from the printing of said pamphlet copies of said Charter until the date fixed as aforesaid for the election upon such Charter, advertised a notice that such copies of said Charter could be had from the City Clerk upon application therefor, in the following newspapers of general circulation published in said City of Visalia, to-wit, in said Visalia Daily Times above mentioned, and in the Visalia Morning Delta.

That said election was duly and regularly held on the 4th day of January, 1923, and that at said election a majority of the qualified electors voting thereon voted in favor of such proposed Charter and for the ratification and adoption thereof.

That the Board of Trustees of said City of Visalia at a meeting thereof held as required by law, duly canvassed the returns of said election and duly found, determined and declared that a majority of said electors voting thereon had voted in favor of such proposed Charter and for the ratification and adoption thereof, and that the same was ratified by a majority of the qualified voters of the City of Visalia.

That said Charter so prepared, proposed, filed and ratified as herein set forth, together with the certificate and signatures of said Board of Freeholders attached thereto, are in words and figures as follows, to-wit:

PROPOSED CHARTER FOR THE CITY OF VISALIA

ARTICLE I.

Boundaries. Section 1. The territory of the City of Visalia shall be that contained within its present boundaries as now established with the power and authority to change the same in the manner provided by law.

ARTICLE II.

Succession to city property, etc. Section 1. The City of Visalia, as successor in interest of the municipal corporation of the same name, heretofore created and existing, shall own, hold, possess, use, lease, control, and in every way succeed to and become the owner of all rights and all property of every kind and nature by said existing municipal corporation owned, controlled, possessed, or claimed, and shall be subject to all the debts, obligations, liabilities, dues and duties of said existing corporation.

ARTICLE III. POWERS OF CITY.

Name, and general powers. Section 1. The City of Visalia, a municipal corporation, shall after the adoption of this charter, continue its existence as such municipal corporation, and under the corporate name, CITY OF VISALIA, shall have, possess, and exercise all powers and rights vested in said City of Visalia, under this charter, and the Constitution of California and the laws of the state, and all powers which a municipal corporation may lawfully possess or exercise under the Constitution of this State. The City of Visalia shall have the right and power to make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this charter; provided that nothing herein shall be construed to prevent or restrict the City from exercising or consenting to, and the City is hereby authorized to exercise any and all rights, powers and privileges heretofore or hereafter granted or prescribed by the general laws of the State; provided also, that where the general laws of the State provide a procedure for the carrying out and enforcement of any rights or powers belonging to the City, said procedure, shall control and be followed unless a different procedure shall have been provided in this charter or by ordinance.

Specific powers. Section 2. Without in any way or to any extent limiting or curtailing the powers hereinbefore conferred or mentioned, and for the purpose only of removing all doubt concerning the exercise of powers hereinafter expressly mentioned, the City of Visalia shall have power:

1. To have and use a corporate seal;

2. To sue or be sued in all courts in all actions and proceedings; Specific powers.
3. To levy and collect taxes, and to levy and collect license taxes for both regulation and revenue;
4. To borrow money, incur municipal indebtedness, and issue bonds or other evidence of such indebtedness;
5. To acquire by purchase, bequest, devise, gift, condemnation or other manner sanctioned by law, within and without the limits of said City, property of every kind and nature for all purposes;
6. To acquire by said means, and to establish, maintain equip, own and operate, either within or outside of the City, telephone and telegraph systems, street railways, or other means of transportation, warehouses, free markets, water-works, filtration plants, gas works, electric light, heat and power works, underground or overhead conduit systems or any other works necessary to a public utility; and to join with any other city or cities or county in the acquisition, construction and maintenance of same;
7. To improve the streams and channels flowing through the City or adjoining the same, to widen, straighten and deepen the channels thereof, and remove obstructions therefrom, to construct and maintain embankments and other works to protect the City from overflow and storm waters;
8. To furnish the City or its inhabitants or persons without the City, any public utility service or commodity whatsoever;
9. To lease, sell, convey and dispose of any and all property herein mentioned for the common benefit;
10. To acquire, construct, operate and maintain parks, playgrounds, markets, baths, public halls, auditoriums, libraries, museums, art galleries, gymnasiums, and any and all buildings, establishments, institutions, and places whether situated inside or outside of the City limits, which are necessary or convenient for the transaction of public business or for promoting the health, morals, education, care of the indigent or welfare of the inhabitants of the City or for their amusement, recreation, entertainment, or benefit;
11. To acquire, construct and maintain all works necessary for the disposition of sewage, garbage and waste, to construct, own, maintain and operate incinerating or garbage reduction plants, and to join with any other city or cities or county in the acquisition, construction and maintenance of any such works or plant;
12. To define and abate nuisances;
13. To provide for the care of the indigent;
14. To establish boulevards and regulate traffic thereon;
15. To equip and maintain a fire department and to make all necessary regulations for the prevention of fires;
16. To grant permits to use the streets or public property revocable at any time without notice;
17. To regulate and establish rates and charges to be imposed and collected by any person or corporation for com-

modities or services rendered under or in connection with any franchise, permit, or license heretofore or hereafter granted by the City, or other authority, provided, that the same is not inconsistent with the Constitution of the State of California;

18. To receive devises, bequests, gifts and donations of all kinds of property, in fee simple, or in trust, for charitable or other purposes and to do all acts necessary to carry out the purposes of such devises, bequests, gifts and donations with power to manage, sell, lease, or otherwise dispose of the same in accordance with the terms of the devise, bequest, gift or donation or absolutely in case such devise, bequest or trust be unconditional;

Building
regulations.

19. To regulate and limit the height and bulk of buildings hereafter erected, and to regulate and determine the area of yards, courts and other open spaces and for said purposes to divide the City into districts. Such regulations shall be uniform for each class of buildings throughout any district, but the regulations in one or more districts may differ from those in other districts. Such regulations shall be designed to secure safety from fire and other dangers, and to promote the public health and welfare, including, so far as conditions may permit, provisions for adequate light, air and convenience of access, and shall be made with reasonable regard to the character of the buildings erected in each district, the value of land and the use to which it may be put, to the end that such regulations may promote the public health, safety and welfare;

Zoning
regulations.

20. To regulate and restrict the location of trades and industries and the location of buildings designed for specified uses, and for said purposes to divide the City into districts and to specify for each such district the trades and industries which shall be excluded or subjected to special regulations and the uses for which buildings may not be erected or altered. Such regulations shall be designed to promote the public health, safety and welfare and shall be made with reasonable consideration, among other things, to the character of the district and to its peculiar suitability for particular uses.

ARTICLE IV. OFFICERS, DEPUTIES AND EMPLOYEES AND THEIR COMPENSATION.

City officers,
employees,
etc.

Section 1. The officers of the City of Visalia shall be five members of the Council, five members of the Board of Education, five Library Trustees, a City Assessor, a City Tax Collector, a City Manager, a City Controller, a City Clerk, a City Treasurer, a City Attorney, a City Engineer, a Street Superintendent, a Superintendent of Buildings, a Police Judge, a Chief of Police, a Fire Chief, and a Health Officer. The Council may also provide by ordinance for additional offices and for the duties thereof, and for additional duties of officers herein provided for, but in no such manner as to encroach upon the duties of any officer as provided for by this charter. The Council may also provide by ordinance for such subordi-

nate officers, assistants, deputies, clerks and employes in the several offices and departments as they deem necessary. The members of the Council and the members of the Board of Education shall be elected from the city at large, as provided in this charter; provided, however, that all qualified electors of the Visalia City School District shall also have the right to vote for members of the Board of Education. All other officers, assistants, deputies, clerks and employes shall be appointed as provided in this charter, or as the Council may provide by ordinance in case no provision for their appointment is herein made, and shall hold their respective offices or positions at the pleasure of the appointing power. Where the appointment of any of said officers, assistants, deputies, clerks or employes, is vested in the Council, the Board of Library Trustees, or any Commission, such appointment and any removal must be made by a three-fifths vote of the members of the appointing power.

Section 2. All elective officers of the city shall be subject to recall as provided in this charter. Recall.

Section 3. The members of the Council shall serve without compensation except that while sitting as a Board of Equalization, each member shall be paid \$10.00 per day for each day actually served, provided that when the population of the city shall be Fifteen Thousand or more as determined by a duly authorized census or enumeration the members of the Council shall each be paid \$10 for each meeting of the Council attended, but not exceeding four meetings in any one month. The Library Trustees and the Board of Education, shall serve, without compensation. All other officers, assistants, deputies, clerks and employes shall receive such compensation as the Council may from time to time determine by ordinance. Compensation.

ARTICLE V. ELECTIONS.

Section 1. A municipal election shall be held in the City of Visalia on the second Monday in April in the year 1923, and on the second Monday in April of every second year thereafter, and the same shall be known as the general municipal election. All other municipal elections that may be held by authority of this charter, or of the general law, shall be known as special municipal elections. General municipal elections.

Section 2. Calling for Elections: The Council shall by ordinance order the holding of all elections. Such ordinance shall establish precincts for the holding of such election, either by adopting or consolidating precincts established for holding general elections or by setting forth their boundaries, and shall specify the objects and time for holding such elections, and the number and the names of the officers of election and the polling place for each voting precinct. The number of election officers at each precinct shall not exceed six, at least three of whom shall be present at all times during the election. Said ordinance shall be published once a week in the official news- Calling for elections.

paper for two weeks before the time appointed for holding the election, and no other notice thereof need be given.

Filing
returns.

Section 3. **Filing the Returns:** The returns of each election precinct shall be filed with the Clerk, and no person shall be permitted access to them until canvassed by the Council. On the first Monday after any election, and at the usual hour and place of meeting the Council shall meet and canvass the returns and declare the result. After having been canvassed the returns shall be sealed up by the Clerk for six months and no person shall have access to them except on order of a court of competent jurisdiction.

Notifying
successful
candidates.

Section 4. **Notifying the Successful Candidates:** After the result of an election is declared, the Clerk, under his hand and official seal, shall issue a certificate thereof and deliver the same personally or by mail to the person elected.

Conduct of
elections.

Section 5. **Provisions of State Law to Apply:** The Council may, by ordinance, make further provisions as to the manner of holding and conducting elections. The provisions of the laws of the State of California relating to municipal elections, the qualifications of electors, the manner of voting, the duties of election officers, and all other particulars so far as they may be applicable, shall govern all municipal elections, except as otherwise provided in this charter, or by such ordinance; provided, that no primary elections shall be held.

Terms of
elective
officers.

Section 6. **Terms of Elective Officers:** Elective officers shall hold office for a period of four years from and after 8 o'clock P. M. of the third Monday in April following the day of election, and until their successors are elected and qualified; provided, that the three members of the Council and the three members of the Board of Education receiving the highest number of votes for said offices respectively, at the first general municipal election held under this charter, shall serve from 8 o'clock P. M. on the third Monday in April, 1923, until 8 o'clock P. M. of the third Monday of April, 1927, and until their successors are elected and qualified, and the other two members of the Council and the other two members of the Board of Education elected at said first election shall serve from 8 o'clock P. M. on the third Monday of April, 1923, until 8 o'clock P. M. of the third Monday of April, 1925, and until their successors are elected and qualified; and provided further, that any person elected to fill a vacancy shall serve for the remainder of the unexpired term. In the election of councilmen and members of the Board of Education, where full terms and one or more unexpired terms are to be filled, no distinction shall be made in nomination or voting between the full terms and the unexpired terms, but the person or persons elected by the highest number of votes shall be elected for the full term or terms and the person or persons receiving the next highest vote shall be elected for the unexpired term or terms, as the case may be.

ARTICLE VI. LEGISLATIVE. THE COUNCIL.
POWERS AND DUTIES.

Section 1. The legislative power of the City of Visalia shall be vested in the people through the initiative and referendum, and in a body to be designated The Council. Each candidate for member of the Council shall have been an elector of the city for at least three years next preceding the date of the election at which he is a candidate. People and council.

Section 2. Meetings: The Council shall meet in the Council Chambers at the City Hall in regular session on the fourth Monday in April following their election at 8 P. M., and shall organize as herein required. Thereafter the Council shall meet at such times as has been or may be prescribed by ordinance or resolution, except that it shall meet regularly at least once each month. All of the meetings of the Council shall be held in the City Hall, unless, by reason of fire, flood or other disaster, said City Hall cannot be used for that purpose, and all meetings shall be open to the public. Special meetings may be called by the Mayor, by two members of the Council, or by the City Manager, but notice of every such meeting must be served personally upon every member not joining in the call, and upon the City Manager, if not called by him, or left at the place of residence or of business of each person to be so served, not less than two hours before the time of such special meeting. Meetings of council.

Such notice must state the subject or subjects to be considered or acted upon and must state the time of such meeting. All meetings of the Council and all records thereof, shall be open to the public, and no citizen shall be denied the right personally, or through counsel, to present grievance, or offer suggestions for the betterment of municipal affairs.

Section 3. Quorum: Three members of the Council shall constitute a quorum, but a less number may adjourn from time to time. No franchise shall be granted, ordinance passed, budget adopted, supplemented or amended, appropriation made, or payment of money ordered unless three members of the Council concur in such action. Quorum.

Section 4. General Powers of the Council: Subject to the provisions and restrictions in this charter contained, and the valid delegation by this charter of any powers to any person, officer, board or committee, which delegation of power, if any, shall control, the Council shall have the power, in the name of the City, to do and perform all acts and things appropriate to a municipal corporation and the general welfare of its inhabitants and which are not specifically forbidden by the Constitution of the State or which now or hereafter it would be competent for this charter specifically to enumerate. No enumeration or specific statement herein of any particular powers shall be held to be exclusive of, or a limitation of, the foregoing general grant of powers. General powers of council.

Certain powers and duties enumerated.

Section 5. Certain Powers and Duties enumerated: The Council shall—

1. Judge of the qualifications of its members and of election returns;

2. Establish rules for its proceedings;

3. Cause a correct record of its proceedings to be kept. The ayes and noes shall on demand of any member, be taken and entered therein, and they shall be recorded on all votes passing any ordinance or appointing or dismissing or confirming the appointment or dismissal of any officer, or authorizing the execution of contracts, or the appropriation or payment of money.

Mayor.

4. Choose one of its members as presiding officer, to be called Mayor. The Mayor shall preside over the sessions of the Council, shall sign official documents when the signature of the Council or Mayor is required by law, and he shall act as the official head of the city on public and ceremonial occasions. He shall have power to administer oaths and affirmations. When the Mayor is absent from any meeting of the Council, the members of the Council may choose another member to act as Mayor pro tem, and he shall for the time being, have the powers of the Mayor.

Other officials.

5. Appoint a City Assessor, a City Tax Collector, a Police Judge, a City Attorney, a City Manager, a City Clerk, a City Treasurer, a City Controller, and five Library Trustees. The offices of City Assessor, City Controller and City Clerk, or any two of them, may be combined at the discretion of the Council.

Utilities.

6. Exercise general supervision and direction over all persons, firms, companies and corporations owning, controlling or operating public utilities, in so far as any of them are subject to municipal control. This provision is subject to other charter provisions relative to such public utilities as now are or may hereafter be owned by the City.

Ordinances.

Section 6. Ordinances: The enacting clause of every ordinance passed by the Council shall be: "Be it ordained by the Council of the City of Visalia." The enacting clause of every ordinance initiated by the people shall be: "Be it ordained by the people of the City of Visalia." At least five days must elapse between the introduction and the final passage of any ordinance; provided, that amendments germane to the subject of any proposed ordinance may be made when it is brought up for final passage; and provided further, that in case of an extraordinary epidemic or any disaster, such as flood, fire, or earthquake requiring immediate action on the part of any public authority, an emergency ordinance may be introduced and passed at either a regular or special meeting without any intervention of time between introduction and final passage. A final vote on any ordinance or any vote on any appropriation must be taken only at a regular or adjourned regular meeting. Every ordinance must be signed by the Mayor, attested by the Clerk and published once in the official news-

paper. Any ordinance granting any franchise or privilege shall be published at the expense of the applicant therefor.

Section 7. When Ordinances go into Effect: Except as otherwise provided in this charter every ordinance, and every measure passed by the council granting any franchise or privilege, shall go into effect at the expiration of thirty days after its final passage, unless otherwise provided in said ordinance or measure: Provided, however, that no such ordinance or measure shall go into effect in less than thirty days after its final passage. But ordinances declared by the Council to be necessary as emergency measures for the immediate preservation of the public peace, health, or safety, containing a statement of the reasons for their urgency and passed by a four-fifths vote of the whole Council, ordinances ordering or otherwise relating to elections, and ordinances relating to public improvements, the cost of which is to be borne wholly or in part by special assessments, may go into effect at the will of the Council.

When ordinances go into effect.

Section 8. Amending Ordinances: No ordinance shall be amended by reference to its title, but the sections thereof to be amended, shall be re-enacted at length as amended; and any amendment passed contrary to the provisions of this section shall be void.

Amending ordinances.

Section 9. Contracts: In the erections, improvement and repairing of all public buildings and works, in all street and sewer work, the installation of pipes, fire hydrants, wells, pumping plants, conduits, electric transmission lines, substations, power plants, gas mains and generators, improvements and development of parks and play grounds, and works for protection against overflow, and in furnishing any supplies or materials for the same, when the expenditure required for the same shall exceed the sum of one thousand dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after notice by publication in the official newspaper by two insertions, the first of which shall be at least ten days before the time for opening bids; provided, that the Council may reject any and all bids presented and may readvertise in their discretion; and provided further, that after rejecting bids, or if no bids are received, the Council may declare and determine that in its opinion the work in question may be performed better or more economically by day labor, or the materials or supplies purchased at a lower price in the open market and after the adoption of a resolution to this effect by a four-fifths vote, they may proceed to have the said work done or materials or supplies purchased without further observance of the foregoing provisions of this section; provided further, that nothing in this section shall require the care, repair or maintenance of streets or public utilities to be let by contract.

Contracts.

Section 10. Power to do Public Work Direct: The Council shall have the power to provide by ordinance a complete procedure whereby the City may bid on all public work done

Power to do public work direct.

under the provisions of any local improvement ordinance or resolution. Said ordinance shall provide the procedure whereby the City shall perform such public work for which the City may be the lowest bidder. A revolving fund may be created by bond issue for the purpose of financing the cost of such public work.

Advertising. Section 11. Advertising: All official advertising of the City shall be done in a newspaper of general circulation as defined by the laws of the State of California, which newspaper shall be published in the City of Visalia, and shall be designated by the Council as the official newspaper. The Council shall annually call for bids for such advertising, and a contract therefor shall be awarded to the lowest responsible bidder; provided, that the Council may reject all bids and may again call for bids; and provided further that no defect or irregularity in proceedings taken under this section, or failure of the Council to designate an official newspaper, shall invalidate any publication, where the same is otherwise in conformity to law or this charter.

Eligibility to offices. Section 12. Councilmen Ineligible to Other City Positions: No member of the Council shall be eligible to any office or employment provided for in this charter except an elective office, during the term for which he was elected.

Vacancies. Section 13. Vacancies in the Council: Any member of the Council who is absent from all meetings thereof for two consecutive months, unless excused by the Council, shall forfeit his office. Any vacancies occurring in the Council shall be filled by a person appointed by a majority vote of the whole Council. Said person appointed shall serve until his successor is elected and qualified. Such successor shall be elected at the next regular election at which members of the Council are chosen, provided there is sufficient time to nominate and elect such successor at said next regular election.

Committees. Section 14. Committees of Council: The Council shall appoint such standing and other committees as it deems necessary.

Sale or lease of property. Section 15. Sale or Lease of City Property: No sale of real estate shall be authorized by the Council except by ordinance passed by the affirmative vote of four-fifths of all the members and no lease shall be made for a period of longer than five years, except by ordinance adopted by the Council.

Accountant. Section 16. Expert Accountant: At least once each year the Council in its discretion may employ an expert accountant who shall investigate the transactions and accounts of all officers having the collection, custody or disbursement of public money, or having the power to approve, allow or audit demands on the treasury, and render a report of his investigations to the Council.

Official bonds. Section 17. Official Bonds: The Council shall, by ordinance, determine what officers and other persons in the service of the City shall give bonds for the faithful performance of their duties, and shall fix the amounts of such bonds and each of such officers and other persons shall before entering upon

the duties of his office or employment, execute a bond to the City in the penal sum provided by such ordinance, including in the same bond the duties of all offices of which he is made by this charter, or otherwise, ex-officio incumbent. Such bonds must be examined and approved by the Council. All bonds when approved shall be filed with the City Clerk, except the City Clerk's bond, if any, which shall be filed with the Treasurer. All the provisions of any law of this State relating to the official bonds of officers as then existing shall apply to such bonds, except as herein otherwise provided. In all cases where Surety Company bonds are approved by the Council, the premium therefor shall be paid by the City.

Section 18. Every officer of the City, before entering upon the duties of his office, shall take and file with the City Clerk the constitutional oath of office, except that the oath of the City Clerk shall be filed with City Treasurer. Oath of office.

Section 19. City Clerk: The City Clerk shall keep, under the direction of the Council, a full and true record in a book, of all proceedings of the Council and of the Board of Equalization. He shall keep a book, marked "Ordinances," in which he shall copy all ordinances, with his certificate annexed to said copy, stating that it is a full and true record thereof, and that such ordinance has been duly published. Said record copy, with such certificate shall be prima facie evidence of the contents of such ordinance and of the passage and publication thereof. The Clerk shall also keep an index to the minutes of the Council and to said Ordinance Book. The City Clerk shall be the custodian of the City Seal and shall affix the same to all official certificates made by him and to other papers when directed by the Council to attest or execute the same. He shall have power to administer oaths and affirmations, to take affidavits, and to certify the same. He shall have such other powers and perform such other duties as may be provided by this charter or by ordinance. City clerk.

ARTICLE VII. POLICE COURT.

Section 1. Police Court: The judicial power of the city shall be vested in a Police Court, which court is hereby established. The Police Judge shall hold said Police Court and said Court shall have jurisdiction concurrently with Justices' Courts, of all actions and proceedings, civil and criminal, arising within the corporate limits of the city, and which might be tried in such Justices' Court. Said Police Court shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty or forfeiture prescribed for the breach of any ordinance of the City; of all actions founded upon any obligation or liability created by any ordinance; and of all prosecutions for any violation of any ordinance. The rules of practice and mode of proceeding in said Police Court shall be the same as are or may be prescribed by law for Justices' Courts in like cases. Appeals may be taken to the Superior Court of the County in which the City of Visalia is located, Jurisdiction and procedure.

from all judgments of said Police Court, in like manner and with like effect as in cases of appeals from Justices' Courts.

Judge.

Section 2. The Police Judge shall have the powers and perform the duties of a magistrate. He may administer and certify oaths and affirmations.

Judge disqualified.

Section 3. In all cases in which the Police Judge is a party or in which he is interested or when he is related to either party by consanguinity or affinity within the third degree, or is otherwise disqualified, or in case of sickness or inability to act, the Police Judge may call upon any Justice of the Peace, residing in the County, to act in his stead.

Qualifications of judge.

Section 4. The Police Judge shall be a qualified elector of the City of Visalia at the time of his appointment, and shall be an attorney at law admitted to practice in the Supreme Court of the State of California; provided, that the City Council may, in its discretion, appoint the Justice of the Peace of the township in which the City of Visalia is located, as Police Judge.

Transfer of cases.

Section 5. All actions and proceedings pending and undetermined in the Recorder's Court of the City of Visalia at the time this charter takes effect, shall be proceeded with, heard and tried and determined in the Police Court hereby provided for, in the same manner as if such actions or proceedings had been originally commenced in said Police Court.

ARTICLE VIII. CITY ATTORNEY.

Qualifications.

Section 1. The City Attorney shall be a qualified elector of the City at the time of his appointment, and shall be an attorney and counselor-at-law, duly admitted to practice law in the State of California. He shall have been actually engaged in the practice of his profession in this State for a period of at least three years next before his appointment.

Duties.

Section 2. It shall be his duty when directed by the Council to prosecute on behalf of the people, all criminal cases for violations of this charter and of City Ordinances, and to attend to all suits and other matters to which the City is a party or in which the City may be legally interested. He shall be in attendance at every meeting of the Council, unless excused therefrom by the Mayor or the Council. He shall give his advice or opinion in writing whenever required by the Council or other officers, except the Board of Education. He shall be the legal advisor of all City officers; he shall approve the forms of all bonds given to and all contracts made with the City; he shall, when required by the Council, or any member thereof, draft all proposed ordinances for the City, and amendments thereto; and shall do and perform all such things touching his office as the Council may require of him, and at the expiration of his term shall surrender to his successor all books, papers and documents pertaining to the City's business.

Compensation.

Section 3. He shall receive as compensation a salary to be fixed by ordinance, and in case the Council shall require him to devote all of his time to the duties of his office, he shall

receive in addition thereto, such reasonable fees as the Council may allow for suits or proceedings before any court or commission in which he has been directed by the Council to act or appear.

Section 4. The Council shall have power to direct and control the prosecution and defense of all suits and proceedings to which the city is a party or in which it is interested, and may employ counsel to assist the City Attorney therein.

Control of council.

ARTICLE IX. CITY MANAGER.

Section 1. The City Manager need not be a resident of the State of California at the time of his appointment. His powers and duties shall be:

Powers and duties.

1. To see that all ordinances of the City are enforced;
2. To appoint, except as otherwise provided in this charter, all officers, heads of departments or divisions, and all deputies, assistants and employees in the several departments and offices, and to remove same. Such appointment and removal shall be subject to the approval of the Council and shall not be effective without such approval;
3. To keep the Council fully informed as to compliance with the law in the operation of public utilities, to see that the provisions of franchises, permits and privileges granted by the City are fully observed, and to report to the Council any violation thereof;
4. To attend all meetings of the Council unless excused therefrom by the Council or by the Mayor;
5. To act as purchasing agent for all departments of the City except those of Public Library and education; and in those departments he shall assist in making purchases when requested to do so by the respective boards in control thereof; provided, however, that he may designate some officer or employee of the City to act as assistant purchasing agent, and perform the duties of the purchasing agent;
6. To examine or cause to be examined, without notice, the official conduct of any officer, assistant, deputy, clerk or employee in any of the departments of the city government, except of the Council and Board of Education;
7. To keep the Council advised as to the needs of the City;
8. To appoint and remove at his pleasure, a secretary;
9. To prepare, or cause to be prepared, plans and specifications for work which the Council may order, coming under his supervision;
10. To have control, subject to such ordinances as may from time to time be adopted, of all public utilities owned and operated by the City;
11. To devote his entire time to the discharge of his official duties.
12. To perform such other duties as may be required by this charter or as the Council may require of him.

Section 2. In case of absence, sickness, or other disability of the City Manager to act, the Council may designate some other person to perform his duties during such disability.

Acting manager.

Purchases. Section 3. **Purchases:** All purchases of material and supplies made by any department or officer of the City of Visalia, except the Public Library, and the Board of Education shall be by requisition signed by the City Manager.

ARTICLE X. DEPARTMENTS OF GOVERNMENT.

Departments Section 1. For the purpose of organization and administration of the business of the City of Visalia, there are hereby created the following departments, to wit: the department of general administration, the public welfare department, the public safety department, the public works department and the public service department.

**General ad-
ministration.** Section 2. The Department of General Administration shall have charge of the following divisions of city government: Elections, Legislation and Records, Judicial, Legal, Treasurer, General Administration, which shall include purchasing, assessing, tax and license collection, finance and accounting, advertising and promotion.

**Public
welfare.** Section 3. The Public Welfare Department shall have charge of the following divisions of City government: Conservation and preservation of Health, Promotion of Cleanliness, Collection and Disposal of Refuse and Waste Material, Charity and Welfare, Playgrounds, Entertainments, Forestry and Parks.

**Public
safety.** Section 4. The Public Safety Department shall have charge of the Divisions of Police and Fire Protection.

**Public
works.** Section 5. The Public Works Department shall have charge of General Engineering, Flood Control, Street Construction, Assessments, Street Maintenance, Building Inspection and care of Public Buildings.

**Public
service.** Section 6. The public Service Department shall have charge of the construction, maintenance and operation of all public utilities owned or operated by the City.

Executive. Section 7. Except as otherwise provided in this charter, or by authority thereof, the City Manager shall be executive head of the department of general administration and of the department of public welfare, public safety, public works and public service.

ARTICLE XI. FISCAL ADMINISTRATION.

**Expenditures
and indebt-
edness.** Section 1. **Expenditures and indebtedness.** No money shall be expended and no indebtedness shall be incurred on behalf of the city, for any purpose, unless and until the same shall have been authorized by ordinance, resolution or order of the Council.

**Controller:
duties, etc.** Section 2. **Controller:** The Controller shall be the general accountant of the City. He shall receive and preserve in his office all accounts, books, vouchers, documents and papers relating to accounts and contracts of the City, its disbursements, revenues and other financial affairs. He shall keep an account of all moneys paid into and out of the Treasury, and

shall draw and sign all warrants on the Treasurer for payment of money out of the Treasury, except as otherwise provided in this charter or by general law. The City Clerk shall furnish the Controller with copies of all ordinances, resolutions and orders of the Council making appropriations or authorizing expenditures of money for any purpose. All orders for the purchase of goods, materials or supplies, and all orders or contracts proposed to be entered into by the City by virtue of which any money shall or may become payable by the City, except contracts, the expense of which is to be paid by assessments upon properties benefited or affected thereby, shall before becoming effective, on behalf of the City, be presented to the Controller and have endorsed thereon his certificate that there remains unexpended and unapplied in the City Treasury as provided by this charter, a balance of the appropriation or fund applicable thereto sufficient to pay the estimated expense to be incurred during the then current fiscal year under said order or contract as estimated by the Board or officer making the same or that adequate provision therefor has been made in the tax levy, or by other revenues to be received by the City as estimated in the budget. It shall be the duty of the Controller to make such indorsement upon every such contract or order so presented to him if there remains unexpended and unapplied the said estimated amount in any appropriation, fund or tax levy, or other estimated revenue applicable thereto, and thereafter he shall hold and retain the said amount to pay the expense to be incurred under said order or contract until the same is fully performed and expense paid.

Section 3. Treasurer: The City Treasurer shall receive and safely keep and pay out as directed in this charter all moneys belonging to the City and all moneys received by or coming into the hands of any officer, board, department or employee of the City, and shall keep an exact account of receipts and disbursements. Treasurer.

Section 4. Presentation of Demands: All demands against the City shall, before being paid, be presented to and approved by the proper Board, Commission or Officer, as herein provided. Demands against the library fund shall be presented to the Board of Library Trustees; demands against funds in the control of the Board of Education shall be presented to the Board of Education; demands for which no appropriation has been made shall be presented to the Council; and all other demands shall be presented to the City Manager; provided that any person dissatisfied with the refusal of the City Manager to approve any demand, in whole or in part, may present the same to the Council, and the approval of such demand by the Council shall have the same effect as its approval by the City Manager; and provided further, that if the Council shall provide for a Park, Playground and Recreation Center Commission, a Social Service Commission, or a City Planning Commission, it may make provision for Presentation of demands.

the presentation to and approval by any such Commission of demands for liabilities incurred by it. The Council may provide for a revolving petty cash fund of not more than One Hundred (\$100.00) Dollars, to be paid to the City Manager, and used by him for payment in cash, of expenditures provided for in the budgets that cannot conveniently be paid otherwise. He shall account to the Council for all payments by him out of said fund when making demand for the replenishment of the same, and at such other times as the Council may require, and they shall thereupon be charged against the proper appropriations.

Warrants
on treasury.

Section 5. Warrants on Treasury: All demands approved by the proper board, commission or officer shall be presented to the City Controller, who shall examine the same; and if the amount thereof is legally due and there remains on his books an unexhausted balance or an appropriation against which the same may be charged, he shall approve such demand and draw and sign his warrant on the Treasurer therefor, payable out of the proper fund. Objections of the Controller to any demand may be overruled by the Council, and the controller shall thereupon draw his warrant as directed by the Council. Such warrants, when presented to the Treasurer, shall be paid by him out of the fund therein designated, if there be sufficient money in such fund for that purpose. A warrant not paid for lack of funds shall be registered, and all registered warrants shall be paid in the order of registration when funds are available therefor; all such registered warrants shall bear interest at the rate of six per cent per annum. The Controller shall draw his warrants for payment of municipal or other bonds payable out of funds in the Treasury upon presentation and surrender of the proper bonds or coupons, without approval of any body or officer. The Council may make further regulations by ordinance regarding the presentation, approval and payment of demands against the City.

Actions
against city.

Section 6. Actions Against City: No payment shall be made from the Treasury of the City, except as otherwise provided by law or this charter, except on demands presented and approved and warrants drawn as herein or by ordinance provided. No action shall be brought on any claim or demand for money or damages against the City or any Board, Commission or Officer thereof, until a demand for the same has been presented as provided in this charter or by ordinance and rejected in whole or in part. If rejected in part, action may be brought to recover the whole. Nor shall any action be brought upon any such demand that has been approved in whole, as herein or by ordinance provided, but nothing herein contained shall prevent the holder of any demand from resorting to proceedings to compel any officer, board, or commission to act upon a demand or to pay a demand that has been properly allowed.

Annual
budget.

Section 7. Estimate and Budgets: The fiscal year of the City shall begin on the first day of July. On or before the

first day of June of each year, the City Manager shall submit to the Council a proposed budget for the Public Service Department and a proposed budget for all other departments to be known as the general budget. Said budget shall include estimates of the revenues and expenditures of the City departments for the ensuing year. These estimates shall be compiled from detailed information obtained from the several departments on blanks to be furnished by the City Manager. The classification of the estimates of expenditures shall be as nearly uniform as possible for all departments, and shall give the following information:

1. A detailed estimate of the expenses of each department;
 2. Expenditures for corresponding items for the last and for the current fiscal years, including adjustments due to transfers between appropriations plus an estimate of expenditures necessary to complete the current fiscal year;

3. Such information as may be required by the Council or as the Manager may deem advisable to submit;

4. The recommendation of the Manager as to the amounts to be appropriated, with reasons therefor, in such detail as the Council may direct. Sufficient copies of such proposed budgets shall be prepared and submitted, that there may be copies on file in the office of the Clerk for the inspection by the public and one copy of each budget furnished each member of the Council. The Council shall have power to revise, correct, or modify said proposed budgets in any particular.

Section 8. Appropriations: After considering said proposed budgets, the Council shall fix a time for holding a public hearing upon the same and shall publish a notice of the time fixed for said hearing one time in the official newspaper at least ten days before the time of hearing. After said hearing the Council may further correct or modify said proposed budget and shall by resolution, adopt a Public Service budget and a general budget. Such resolution shall operate as an appropriation of funds to the amounts and for the purposes set forth in the budget so adopted.

Section 9. Transfer of Appropriations: At any meeting after the adoption of the budget or budgets, the Council, by a vote of three members may amend or supplement such budget or budgets, so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenues not included in the annual budget.

Section 10. Taxation: The Council shall have power by ordinance, to provide a system for the assessment, levy and collection of all City taxes, which system shall conform as nearly as may be to the general laws of this State, provided for the assessment, levy and collection of county taxes. All taxes levied, together with any penalties imposed for delinquency and the cost of collection, shall constitute liens on the property assessed and every tax upon personal property shall be a lien upon the real property of the owner thereof.

The said liens shall attach as of the first Monday in March of each year. The Council may provide that the City Clerk shall be ex-officio assessor and that the City Treasurer or other officer selected by them, shall be ex-officio tax collector.

Duties of officers.

Section 11. The Council shall have power by ordinance to authorize the transfer to and the assumption and discharge by officers of the County of Tulare, of any function of the City relating to the assessment of property for taxation, and equalization of such assessment, the collection of taxes levied for municipal purposes, the collection of assessments levied for local improvements, the sale of property for non-payment of taxes levied for municipal purposes or for non-payment of assessments levied for local improvements, and the redemption of property from sales for either of said purposes and may repeal any such ordinances.

Tax rates.

Section 12. Tax Rates: The total tax rate for any one year shall not exceed one per cent of the assessed valuation, unless a special tax be authorized, as provided in this charter; and the proceeds of any such special tax shall be used for no other purpose than that specified for which it was voted; provided, however, that in addition to said one per cent there shall be included in every annual levy, a sufficient amount to cover all liabilities of the City for principal and interest of all bonds or judgments due and unpaid or to become due during the ensuing fiscal year and not otherwise provided for; provided further, that in addition to the taxes above mentioned, there shall be levied a tax not exceeding three-tenths of one per cent of the assessed valuation for the library fund; provided further, that in addition to the taxes above mentioned, the Council may levy a tax of not to exceed three-tenths of one per cent of the assessed valuation for parks, playground and recreation centers. If the Council shall fail to fix the tax rate at the proper time, the rate for the preceding fiscal year shall be adopted and used.

Special taxes and bonds.

Section 13. Special Taxes and Bonds: Whenever the Council shall determine that the public interest demands an expenditure for municipal purposes, which cannot be provided for out of the ordinary revenue of the City, it may submit to the qualified voters at a regular or special election, a proposition to provide for such expenditure, either by levying a special tax, or by issuing bonds, but no such special tax shall be levied nor any such bonds issued, unless authorized by the affirmative votes of two-thirds of the electors voting at such election. No bonds shall be issued to meet current expenses.

The proceedings for the voting and issuing of bonds of the City shall be had in such a manner and form and under such conditions as shall be provided from time to time by general law.

Limit on indebtedness.

Section 14. Limit of Bonded Indebtedness: The bonded debt of the City shall at no time exceed a total of twenty per cent of the assessed valuation of all property taxable for City purposes.

Section 15. General Budget Fund: A fund to be known as the General Budget Fund is hereby created. All receipts from the general tax levy, licenses, fines, permits and interest on bank deposits, and all other receipts except those from the Public Service Department, and those which are collected for a specific purpose, or are herein ordered to be credited to some other fund, shall be credited to said fund, and all disbursements on account of General Budget appropriations, excepting such appropriations as are payable out of special funds, shall be charged to said General Budget Fund. The credit balance, if any, in said General Budget Fund, at the end of any fiscal year, the amount of which is in excess of the amount of all outstanding demands and liabilities unpaid on account of General Budget appropriations for said fiscal year, shall be transferred to the General Reserve Fund.

General
budget fund.

Section 16. General Reserve Fund: The Council shall maintain a permanent revolving fund to be known as the General Reserve Fund, for the purpose of keeping the payment of the running expenses of the city on a cash basis. Said fund shall be maintained in an amount sufficient to meet all legal demands against the Treasury for the first four months, or other necessary period of each fiscal year prior to the collection of taxes. The Council shall have power to transfer from the General Reserve Fund to any other fund or funds, such sum or sums as may be required for the purpose of placing such fund or funds, as nearly as possible, on a cash basis. It shall be the duty of the Council to provide that all money so transferred from the General Reserve Fund be returned thereto on or before the end of the fiscal year in which said transfers are made; provided, that in any fiscal year in which the total balance in said General Reserve Fund exceeds thirty per cent of the total amount of the General Budget for that year, the Council may appropriate such excess for any City purpose without returning the same.

General
reserve fund.

Section 17. Entertainment: The Council may appropriate and spend money from the funds of the City for any or all of the following purposes: Reception and entertainment of public guests, assistance of public celebrations, fairs and exhibitions, to aid or carry on the work of inducing immigration to the City, to exhibit manufactured and other products of the City; and generally for the purpose of advertising the City; provided, however, that the aggregate expenditures for all of said purposes shall not exceed in one fiscal year the sum of four (4) cents on each One Hundred Dollars (\$100.00) of the assessed value of property within the City.

Entertain-
ment, etc.

Section 18. Depreciation Fund: The Council shall annually set aside from the income derived by the City from its revenue producing public utilities, as a separate depreciation fund for each of said public utilities, a sum which, according to the estimate of the City Manager, shall be sufficient to meet the normal depreciation in said public utility. Such fund shall be

Depreciation
fund.

used only for the replacement, betterment, and extensions of the plants and equipment of said public utilities respectively.

Special
deposit fund.

Section 19. Special Deposit Fund: There is hereby created a fund to be known as the Special Deposit Fund, wherein shall be deposited all moneys received by the City or any department, officer or board thereof, for the purpose of guaranteeing the payment of any costs, charges, or damages accruing or liable to accrue, to the City from the depositor and all moneys deposited as bail to secure the liberation of a person accused of a public offense, and all moneys required to be deposited for the purpose of indemnifying persons whose property is in danger of being damaged or destroyed by the operation of the depositor. The money so deposited may be returned to the depositor, should he become entitled to the return thereof, in such manner as the Council may, by ordinance, prescribe, or upon default being made in the payment of such costs, charges, or damages, or in the performance of any of such conditions, acts or things, may be declared forfeited in whole or in part and be disposed of as the Council may direct.

General
service fund.

Section 20. General Service Fund: The Council shall maintain a permanent revolving fund to be known as the General Service Fund. All expenditures for lot cleaning, for engineering, and other incidental expenses in connection with street opening and improvement proceedings and all other expenditures which are in the nature of advancements by the City and are to be repaid to the City, shall be charged to said fund. All receipts on account of the matters above mentioned shall be credited to said General Service Fund from the special fund created for such proceedings, if any, when available therein. All amounts expended for purchase of general supplies, which for any reason cannot be charged directly to the account or accounts for which such supplies are purchased, shall be charged against said General Service Fund, and when said supplies are used by the various departments, the cost thereof shall be charged against the proper fund and credited to said General Service Fund.

Public
service
budget
fund.

Section 21. Public Service Budget Fund: A fund to be known as the Public Service Budget Fund is hereby created. All receipts, not otherwise ordered, credited to other funds, from the sale of water and electric energy and any other commodity furnished, and for any services rendered by the Public Service Department of the City, shall be credited to the said Public Service Budget Fund. All disbursements on account of Public Service Budget appropriations shall be charged to the said Public Service Budget Fund. The credit balance, if any, in said Public Service Budget Fund, at the end of any fiscal year, the amount of which is in excess of the amount of all outstanding demands and liabilities unpaid on account of Public Service Budget appropriations, shall be transferred to the Public Service Surplus Fund.

Public
service
sinking
fund.

Section 22. Public Service Sinking Fund: A fund to be known as the Public Service Sinking Fund is hereby created, to which fund shall be credited from the receipts of the Public

Service Department, a sufficient amount each year to cover the total amount of payments falling due that year for principal and interest of all Visalia City or Municipal Improvement District Bonds issued for the acquisition, improvement or extension of Public Utilities operated by the City. The Council shall fix from time to time the percentage of the receipts of the Public Service Department required to cover the principal and interest of such bonds and such percentage of said receipts shall be credited by the City Treasurer to said Public Service Sinking Fund; provided, however, that if in the opinion of the Council the total amount necessary for said Sinking Fund cannot conveniently be taken from the receipts of said Public Service Department, nothing in this section shall affect or impair their power, after so declaring, to levy such taxes as may be necessary to provide for interest and principal of such bonds.

Section 23. Public Service Surplus Fund: A fund to be known as the Public Service Surplus Fund is hereby created, to which fund shall be credited from the receipts of the Public Service Department any amounts in excess of the requirements of the several funds as hereinbefore set forth. Disbursements from said Public Service Surplus Fund shall be by special appropriations made by the Council.

Public
service
surplus
fund.

ARTICLE XII. DEPARTMENT OF EDUCATION.

Section 1. Board of Education: The control of the Public School Department of the City of Visalia, including the whole of the Visalia City School District, shall be vested in a Board of Education, which shall consist of five members elected from the district at large.

Board of
education.

Section 2. The powers and duties of the Board of Education shall be such as are prescribed by the Constitution and Laws of the State of California.

Powers
and duties.

ARTICLE XIII. CITY LIBRARY.

Section 1. Library Trustees: The Board of Library Trustees shall each serve for a term of four years and until his successor is appointed and qualified; provided, that at the first appointment under this charter, two trustees shall be appointed for two years and three trustees for four years and until their successors are appointed and qualified. In case of a vacancy the same shall be filled by appointment by the Council for the remainder of the term then vacant.

Library
trustees.

Section 2. The Board of Library Trustees shall appoint one of their members President, and shall appoint a Secretary, who shall keep a record of their proceedings, shall maintain, manage and control all public libraries in the City of Visalia and may establish such branch libraries and reading rooms as may be deemed advisable; shall make and enforce all such rules and regulations as may be necessary for the administration, government and protection of the library and reading rooms under their management and of all property belonging

Powers
and duties.

thereto; shall appoint and fix the compensation of such librarians, assistants and employees as they may deem necessary and prescribe their duties; and shall purchase such books, journals, publications and other personal property as may be necessary for the use of said libraries and reading rooms. All such libraries and reading rooms maintained by said Board shall be forever free to the inhabitants and non-resident tax payers of the City of Visalia, subject to the above mentioned rules and regulations to be made by said Board, provided, however, that for violation of any of said rules and regulations said Board may impose fines or may exclude violator from the privileges of the library. All such fines shall be paid into the Library Fund.

Library fund.

Section 3. Library Fund: The Board of Library Trustees shall have the management and disbursement of all funds regularly appropriated or received for the public library. All bills, demands, or claims on the Library Fund shall be audited by said Board of Library Trustees, and warrants therefor shall then be signed by the President of said Board and countersigned by the Controller. All library bills shall be paid out of the Library Fund, which fund is hereby established.

Museums,
art galleries,
etc.

Section 4. The Board of Library Trustees shall also be the Trustees and custodians of all museums, art galleries and academies of science, which may be established by gift or grant, or otherwise, in the City of Visalia, for the diffusion of mechanical, scientific, artistic or general knowledge and shall conduct the same under the general laws of the State of California, unless otherwise provided for by the gift or donor. The Council, by ordinance, may create a fund for the maintenance of said institutions, the same to be raised by a special tax or as may be otherwise provided by general law or ordinance.

ARTICLE XIV. PARKS, PLAYGROUNDS AND RECREATION CENTERS.

Park
commission.

Section 1. The Council may, by ordinance, provide for the appointment of a commission of five members, to serve without compensation, and to have charge of Parks, Playgrounds and Recreation Centers and may by such ordinance fix the powers and duties of such commission.

ARTICLE XV. CITY PLANNING.

City
planning
commission

Section 1. The Council may, by ordinance, provide for the appointment of a City Planning Commission of five members, to serve without compensation, and to have such powers and duties as the Council may prescribe relating to City Planning and the enforcement of ordinances adopted by the Council pursuant to subdivisions 19 and 20 of Section 2 of Article III of this charter. Such Commission may also have such other powers and duties not inconsistent with this charter as may be provided by ordinance or by general law.

Section 2. The Council may, from time to time, on its own motion, or on petition after hearing and public notice of such hearing given by one publication in the official newspaper at least ten days before the time of hearing, amend, supplement or change the regulations and districts established by any ordinance adopted pursuant to subdivisions 19 and 20 of Section 2, Article III of this charter. Whenever the owners of fifty per cent or more of the frontage of any district or part thereof, shall present to the Council a petition duly signed and acknowledged by them, requesting any such amendment, supplement, change or repeal of the regulations prescribed for such district, or part thereof, the Council shall act upon such petition within ninety days after the filing thereof. No amendment, change, supplement or repeal of the regulations or of the boundaries of districts established by any ordinance passed under the above mentioned provisions of the charter shall be made except by a four-fifths vote of the Council, and if at the time of hearing thereon a protest against such amendment, supplement, change or repeal is presented, duly signed and acknowledged by the owners of twenty per cent or more of the frontage of property which will be directly affected by the proposed amendment, supplement, change or repeal, or by the owners of twenty per cent of the frontage of property which is immediately adjacent thereto, either in the rear, on the sides or across the street, no such amendment, change, supplement or repeal shall be adopted except by unanimous vote of the Council.

Changes in building and zoning regulations.

ARTICLE XVI. SOCIAL SERVICE COMMISSION.

Section 1. The Council may, by ordinance, provide for the appointment of a Social Service Commission of five members, to serve without compensation, and to have charge of all matters pertaining to the care and relief of the needy and the establishment of employment bureaus, day nurseries, city nurses and the like.

Social service commission.

ARTICLE XVII. FRANCHISES.

Section 1. Franchises, renewals, extensions or amendments of franchises may be granted by the City Council whenever in its opinion the public necessity or convenience may require any such grant. No such grant shall be exclusive, nor made except by ordinance, nor in violation of any limitation contained in this charter, nor for a longer term than fifty years. The enactment, publication and taking effect of any such ordinance shall be governed by and subject to, the provisions of Article VI and Article XVIII of this charter; provided, that no such ordinance shall be passed as an emergency measure. No public utility franchise shall be transferable except with the approval of the City Council expressed by ordinance; and copies of all transfers, trust deeds, mortgages or other documents affecting the title or use of public utilities shall be

Grant of franchises.

filed with the City Council within ten days after the execution thereof.

Application and deposit.

Section 2. Any person desiring any franchise or a renewal of any franchise, may file with the City Clerk a written application therefor accompanied by a cash deposit of One Hundred (\$100.00) Dollars, as a fund out of which to pay the expenses connected with such application and proceedings had or taken thereunder. In the event the franchise or the renewal of franchise so applied for is not granted, the unexpended portion of said deposit, if any, shall be returned to the applicant; and if the franchise or the renewal of franchise applied for shall be awarded to some other than the applicant, such deposit shall be returned to the applicant. No franchise or any renewal of a franchise shall be finally awarded until all expenses incurred in connection with the awarding of the same shall have been fully paid by the person to whom the same shall be awarded.

Determination of terms and conditions.

Section 3. Upon the filing of the said application and the making of the deposit, as aforesaid, the City Council shall, if it proposes to grant the same, proceed to determine the character of the franchise or of the renewal franchise applied for, and shall determine the terms, restrictions, reservations, conditions, provisions, and the form of the ordinance to be adopted for the purpose of granting the same. And if such application be for the renewal of an existing franchise, the Council shall not be in any way limited or restricted in its determination of such terms, restrictions, reservations, conditions or provisions, by the provisions of the franchise sought to be renewed.

Notice of application, etc.

Section 4. The Council shall thereupon advertise the fact of said application, together with the statement that it proposes to grant the same in the form so determined, in one or more newspapers of general circulation published in the City of Visalia, once a day for five successive days, or as often during said period as such newspapers are published, and the full publication must be completed not less than twenty nor more than thirty days before any further action is taken thereon. Said advertisement must state the character of the franchise or of the renewal of franchise proposed, and set forth in full the form of the ordinance proposed for the granting of the same, and must state that sealed bids therefor will be received and opened at a time and place to be stated in said advertisement and that the said franchise or renewal of franchise will be awarded to the highest and best bidder; provided that no franchise nor any renewal of any franchise shall be sold for less than \$500.00.

Award to highest bidder.

Section 5. At the time of opening the sealed bids any responsible person, firm or corporation may bid for said franchise or renewal of franchise a sum not less than ten per cent above the highest sealed bid therefor, and such bid so made may be raised and such bidding may continue until finally said franchise or renewal of franchise shall be struck off, sold

and awarded by the City Council to the person, firm or corporation offering the highest and best bid therefor; provided, that such bidder shall, before the making of such award deposit with the City Clerk at least ten per cent of the amount of his bid, and if such successful bidder be not the applicant, the sum of One Hundred (\$100.00) Dollars in addition to his bid shall be deposited by him at the same time, and in the event of his failure to make such deposit or deposits, his bid shall be rejected and no further proceedings for the sale of said franchise, or renewal of franchise shall be had without readvertising in the manner hereinbefore provided; and in case the successful bidder shall fail to deposit with the Treasurer, the remaining ninety per centum of his bid within five days after its acceptance, the award of said franchise or renewal of franchise shall be set aside and all deposits theretofore made thereon shall be forfeited to the City and no further proceedings for the sale of said franchise or renewal of franchise shall be had without readvertising in the manner hereinbefore provided.

Section 6. The successful bidder for any franchise or renewal of franchise sold or awarded under this charter, shall file a bond running to the City of Visalia, with at least two good and sufficient sureties or other good and sufficient bond provided by law, to be approved by the City Council, in a penal sum to be prescribed by the City Council and set forth in the advertisement for bids, conditioned that such bidder shall well and truly observe, fulfill and perform each and every term, condition and provision of such franchise or renewal of franchise, and that in case of any breach of condition of such bond, the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages and shall be recoverable from the principal and sureties upon said bond, or from any or either of them. Said bond shall be filed with the City Clerk within five days after such franchise, or renewal of franchise is awarded, and upon the filing and approval of such bond the said franchise or renewal of franchise shall be granted by the City Council by ordinance to the person, firm or corporation to whom it was struck off, sold and awarded. And in case the said bond shall not be so filed, the award of such franchise or renewal of franchise shall be set aside and any money paid therefor shall be forfeited to the City and said franchise or renewal of franchise may in the discretion of the City Council be readvertised and again offered for sale in the same manner and under the same restrictions as in this charter provided for the original application, advertisement and sale.

Bond for
faithful
performance.

Section 7. No clause or condition of any kind shall be inserted in any franchise or renewal of franchise offered for sale under the terms of this charter which shall directly or indirectly restrict free and open competition in bidding therefor, and no clause or provision shall be inserted in any franchise or renewal of franchise offered for sale which shall in

Competition
and
favoritism
in bidding.

any wise favor one person, firm or corporation as against another in bidding for the purchase thereof.

Extensions
and
amendments.

Section 8. Extensions and amendments of existing franchises may be granted by the City Council in the same manner and subject to the same limitations, restrictions and provisions as provided in this charter for the granting of franchises and renewals of franchises; provided that extensions or amendments of franchises shall not be advertised for sale or sold or awarded to the highest bidder, and the provision of this charter governing the advertising for sale and the sale and award of franchises or renewals of franchises to the highest bidder, shall have no application to the granting of extensions or amendments of existing franchises.

Refund to
grantee.

Section 9. If any ordinance granting a franchise or a renewal, extension or amendment of any franchise shall fail to go into effect by reason of its not being approved by a majority of the votes cast at an election to which the same was referred by referendum proceedings as provided in this charter, such failure to go into effect shall not entitle the person to whom the grant of such franchise or renewal, extension or amendment of franchise was made, to claim a refund of any moneys paid or deposited by him as provided in this charter on account of any of the proceedings had for the obtaining of such grant. But if any such ordinance shall be repealed by the City Council upon the filing of a referendum petition demanding its repeal or a reference thereof to a vote of the electors of the city, without submitting it to such vote, all moneys paid or deposited by the grantee of such franchise renewal, extension or amendment of franchise as provided in this charter, in excess of the actual expenses of the proceedings for such grant, shall be refunded to such grantee.

Termination
of franchise.

Section 10. Any public utility franchise may be terminated by ordinance at specified intervals of not more than ten years after the beginning of operation, whenever the city shall determine to acquire by condemnation or otherwise, the property of such utility. Indeterminate franchises may also be granted, subject always to the right of the city at any time and upon six months' notice in writing to acquire and possess the property of the grantee.

Rights
reserved
by city.

Section 11. All grants, renewals, extensions or amendments of public utility franchises, whether so provided in the ordinance or not, shall be subject to the right of the city:

(a) To repeal the same by ordinance at any time for non-use, or for failure to begin construction within the time prescribed; (b) to require proper and adequate extensions of plant and service, and the maintenance of the plant and fixtures at the highest practicable standard of efficiency; (c) to regulate the rates and charges of all public utilities; (d) to establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates; (e) to prescribe the form of accounts and at any time to examine and audit the accounts and other records of any such

utility and to require annual and other reports by each such public utility; provided, that if a public service commission or any other authority shall be given the power by law to prescribe the forms of accounts for public utilities throughout the state or throughout any district of which the city is a part the forms so prescribed shall be controlling so far as they go, but the City Council may prescribe more detailed forms for the utilities within its jurisdiction; (f) to impose such other regulations as may be conducive to the safety, welfare, and accommodation of the public.

Section 12. The consent of abutting and adjacent property owners shall not be required for the construction, extension, maintenance or operation of any public utility, but any such property owner shall be entitled to recover from the owner of such public utility the actual amount of damages to such property on account thereof, less any benefits received therefrom; provided, suit is commenced within two years after the damage is begun. Property owners' rights.

Section 13. All extensions of public utilities within the city limits shall become a part of the aggregate property of the public utility, shall be operated as such, and shall be subject to all the obligations and reserved rights contained in this charter and in any original grant hereafter made. The right to use and maintain any extension shall terminate with the original grant and shall be terminable as provided in sections 10, 11 and 17 hereof. Utility a unit.

Section 14. Every public utility franchise hereafter granted shall be held subject to all the terms and conditions contained in this Article whether or not such terms are specifically mentioned in such franchise. Nothing in this charter shall operate to limit in any way, except as specifically stated, the discretion of the City Council or the electors of the city in imposing terms and conditions in connection with any franchise grant. Terms and conditions.

Section 15. Within six months after this charter takes effect, every public utility and every owner of a public utility franchise shall file with the city, certified copies of all the franchises owned or claimed, or under which any such utility is operated. The City shall compile and maintain a public record of all public utility franchises and of all public utility fixtures in the streets of the city. Copies of franchises.

Section 16. It shall be the duty of the City Manager to investigate and report on all proposed ordinances relating to public utilities. He shall exercise a diligent oversight over the operation of all public utilities operated within the city. The City Attorney shall represent the city in all proceedings before any State Public Utilities Commission involving the public utilities within the city. The City Manager shall perform such other duties in relation to public utilities as may be prescribed by the City Council. Duties of city officers.

Section 17. Accounts shall be kept for each public utility owned or operated by the city, distinct from other city accounts and in such manner as to show the true and complete Accounts and reports of utilities owned by city.

financial result of such city ownership, or ownership and operation, including all assets, liabilities, revenues and expenses. Such accounts shall show the actual cost to the city of each public utility owned, the cost of all extensions, additions and improvements, all expenses of maintenance, the amounts set aside for sinking fund purposes, and, in the case of city operation all operating expenses of every description. The accounts shall show as nearly as possible the value of any service furnished to or rendered by any such public utility by or to any other city or governmental department. The accounts shall also show a proper allowance for depreciation, insurance and interest on the investment, and estimates of the amount of taxes that would be chargeable against the property if privately owned. The City Council shall annually cause to be made and printed for public distribution a report showing the financial results of such city ownership or ownership and operation which report shall give the information specified in this section and such other information as the City Council shall deem expedient.

Operation
of public
utilities
by city.

Section 17. The city may establish, acquire, lease and operate, or cease to operate and dispose of public utilities and quasi public utilities at its own option in the manner provided by state laws now existing or hereafter enacted, or by the majority vote of the registered, qualified electors of the city in the manner provided by ordinance enacted by the City Council by the affirmative vote of four members of such Council. All amendments of such ordinances shall require a like vote. In such ordinances the City Council may define what are public utilities and quasi public utilities.

Purchase
of public
utilities.

Section 18. In acquiring public utilities and quasi public utilities the city may purchase the same subject to existing bond issues and other obligations thereof, whether secured by mortgages or trust deeds against the property of such utilities or not, and may assume and pay such obligations as a part of the purchase price.

ARTICLE XVIII. INITIATIVE, REFERENDUM AND RECALL.

Initiative.

Section 1. The Initiative, Procedure: The electors may exercise their power of adopting ordinances through the following procedure: A petition to the council containing a proposed ordinance signed by not fewer than one hundred electors of the City and asking for the adoption by the council, or, failing that, its submission to the people, shall be filed with the city clerk.

Petition.

The city clerk shall present the petition to the council at its next regular meeting. If the council shall fail to adopt the ordinance within forty days thereafter, the petition shall remain on file in the city clerk's office for a further period of thirty days, during which time it may be signed in person by qualified electors of the city.

Each signer of the petition shall sign his name in ink or indelible pencil, and shall place thereafter his place of residence by voting precinct, and by street and number.

CERTIFICATION.

At the expiration of said period of thirty days, the city clerk shall examine the petition and within ten days ascertain and certify thereupon, the number of signatures of qualified electors thereto, and shall present the petition so certified to the council at its next regular meeting. If the city clerk's certification shall show the number of signatures to be as many as fifteen per cent of the number of votes cast at the last regular municipal election the council shall forthwith adopt the ordinance without change or order the same to be submitted at the next regular municipal election. Certification.

CALLING THE ELECTION.

If the city clerk's certification shall show the number of signatures to be not less than twenty-five per cent of the number of votes cast at the last regular municipal election, the council shall thereupon adopt the ordinance without change, or order its submission at an election to be held not less than twenty nor more than forty days from the date of the second presentation to the council; which election shall be held at the same time as any regular or special municipal election to be held within such period; but if no such regular or special election is to be held within such period, the council shall call a special election to be held within the time aforesaid. Calling election.

FORM OF BALLOT.

The ballot used when voting on the proposed ordinance shall set forth the title of the ordinance in full, state its general nature, and shall contain the words: "For the Ordinance," opposite such proposition to be voted on, the words, "Yes" and "No" shall be printed on separate lines with voting squares in which the voter may stamp his cross. If a majority of those voting on such proposed ordinance shall vote in favor thereof, such ordinance shall be deemed adopted, and shall take effect at such time as shall be specified in the ordinance itself. Ballot.

SEVERAL ORDINANCES MAY BE SUBMITTED.

Any number of proposed ordinances may be submitted at the same election, and if provisions of two or more ordinances conflict, the one having the highest affirmative vote shall prevail. Number submitted.

ADOPTED AND DEFEATED ORDINANCES.

An ordinance adopted or defeated at the polls may not be submitted to the electors again within a period of one year. Adopted and defeated ordinances.

An ordinance adopted or amended at the polls may be repealed or amended only by vote of the electors.

Referendum.
Petition.

Section 2. The Referendum. Petition. If within thirty days after the adoption of an ordinance by the council there shall be presented to the council a petition which shall have been placed for signatures in the city clerk's office at the request of five or more electors, and there signed by qualified electors equal to or in excess of twenty-five per cent of the number of votes cast at the last regular municipal election, asking that any such ordinance be repealed, or submitted to a vote of the electors, said ordinance shall thereupon be suspended from going into effect.

CALLING ELECTION.

Calling
election.

The council shall thereupon reconsider such ordinance, and if it be not entirely repealed, shall submit the same to a vote of the electors at the next regular or special municipal election, if such shall occur not less than twenty nor more than ninety days from the date of the presentation of the petition to the council.

If no such election is to occur, then the council shall submit said ordinance at a special election to be held not less than twenty nor more than thirty days after said date of presentation.

FILING OF PETITION.

Filing.
certification
and ballot.

The filing, verifying, and certifying of referendum petitions, and the form of ballot shall be substantially the same as are required for the initiative; and ordinances thus referred shall not go into effect unless approved by a majority of those voting thereon.

NOT SUBJECT TO REFERENDUM.

Not subject
to
referendum.

All ordinances excepted in Section 7 of Article VI herein, from its operation, shall not be subject to referendum. And no initiative ordinance providing for the expenditure of public money or for increase in salaries of any city officer or employee shall take effect until the beginning of the next following fiscal year.

Recall.

Section 3. Recall: Any member of the council may be removed from office through the following procedure:

PETITION.

Petition.

A written request of 100 electors of the city, setting out therein the reasons therefor, not exceeding two hundred (200) words in number, demanding that the question of removing a member of the council be submitted to the electors, shall be filed with the city clerk.

Thereafter, the city clerk shall notify such member of the council of the request thus filed, and the reasons set out therein. Such members shall have five days thereafter in which to file with the city clerk his answer to the reasons set out therein, not exceeding two hundred (200) words, why such question should not be submitted to the electors.

Thereupon, the city clerk shall immediately put on file in his office a petition for the recall of such member of the council, setting out therein the reasons for and against the recall.

FORM OF PETITION.

The form of petition shall be as follows:

Form of petition.

TO THE COUNCIL OF THE CITY OF VISALIA.
PETITION FOR OR AGAINST RECALL

Of _____ (Name in full) As _____
(Give name of office) Reasons for Recall.

(Here insert reasons contained in request for recall.)

Reasons against Recall.

(Here insert reasons against recall as contained in answer.)

I, the undersigned, certify that I am a qualified elector of the City of Visalia, State of California; that I have carefully read the foregoing reasons both for and against the recall of said officer and have signed below in accordance with my convictions; that I am not at this time a signer of any other like petition; that

I Favor the Recall of

_____ (Name of officer)
and petition the council to submit the question to vote of electors.

(Signed) _____
(Residence) _____
that

I Am Against the Recall of

_____ (Name of officer)
and oppose the submission of the question to the vote of the electors.

(Signed) _____
(Residence) _____

The petition shall remain on file in the city clerk's office, easy of access, for the period of thirty days, during which time it may be signed, in person by any qualified elector of the city.

Each signer of said petition shall sign his name in ink or indelible pencil, and shall place thereafter his place of residence by voting precinct and by street and number.

CERTIFYING PETITION.

At the expiration of said thirty days the city clerk shall examine said petition and shall within ten days ascertain and certify upon said petition whether of not the signatures of qualified voters thereto favoring the recall exceeds the signatures of qualified voters thereto opposed to the recall in an amount equal to or in excess of ten per cent of the highest vote cast for a councilman at the last preceding general municipal election.

Certifying petition.

If the city clerk's certificate shall show that the signatures of qualified electors thereto favoring the recall do not exceed the number of signatures of qualified electors thereto opposed

to the recall by a number equal to ten per cent of the highest vote cast for a councilman at the last preceding general municipal election, the council shall make public announcement thereof and no further recall proceedings shall be undertaken against the councilman within a period of six months.

If the city clerk's certificate shall show that the signatures of qualified voters thereto favoring the recall exceed the signatures of qualified voters thereto opposed to the recall in an amount equal to or greater than ten per cent of the highest vote cast for a councilman at the last preceding general municipal election, the council shall thereupon order the city clerk to serve notice thereof upon the member of the council sought to be removed.

CALLING THE ELECTION.

Calling
election.

If the member does not resign within five days after such notice the council shall order and fix a date for holding a recall election, which shall be held not less than twenty days nor more than forty days from the submission of the petition to the council: provided, that if another municipal election is to be held within said period the recall election shall be held at the same time.

BALLOTS.

Ballots.

The ballots at such recall election shall conform to the following requirements:

With respect to each person whose removal is sought the question shall be submitted, "Shall (name of person) be removed from the office of councilman?"

Immediately to the right of this question shall be placed, one under the other, the words, "Yes" and "No," and opposite each of these words a square in which the elector, by stamping a cross mark (X), may indicate his will.

Below may be printed statements by the advocates of the recall and by the councilman whose recall is sought, each to be given in not more than two hundred (200) words.

WHEN RECALLED.

When
recalled.

Should a majority of the votes cast at a recall election be against the recall of the councilman named on the ballot, or should the vote thereat on his recall, be a tie, he shall continue in office. If a majority of the votes cast on the question of the recall of such councilman shall be in favor of his recall, he shall, regardless of any technical defect in the recall petition, be deemed removed from office, and the vacancy thus caused shall be filled as provided in Section 13 of Article VI.

PRESERVATION OF PETITIONS.

Preservation
of petitions.

All petitions for nominations, initiative, referendum, and recall shall be kept on file in the city clerk's office for two years from the date of their submission to the council.

ARTICLE XIX. PUBLIC WELFARE DEPARTMENT.

Section 1. Health Officer: The Health Officer shall be a ^{Health officer.} duly licensed physician and surgeon under the laws of the State of California and shall have had special training and experience in matters appertaining to public health and sanitation. He shall have all the powers and shall be subject to all duties conferred on Boards of Health and on Health Officers by the general laws of the State, and shall have such other powers and duties as may be conferred by ordinance.

Section 2. The council shall provide for the general care ^{Trees, and parks.} and supervision of all street or parkway trees in the City of Visalia, and the general care and supervision of parks and parkways.

ARTICLE XX. PUBLIC SAFETY.

Section 1. The Public Safety Department shall have charge ^{Duties.} of the divisions of Police and Fire Protection.

Section 2. Chief of Police: The Chief of Police shall have ^{Chief of police.} command and control over the police force. He shall enforce all laws and ordinances for the peace and safety of the City, and shall see that all orders and provisions of the council for these purposes are properly executed. He shall have power to appoint such police officers as are authorized by ordinance, subject to the approval of the City Manager. He shall devote his entire time to the discharge of his official duties, and shall not be absent from the city, except under urgent need or in the performance of his official duties, unless granted permission by the City Manager.

Section 3. Fire Chief: He shall have control of the Division ^{Fire chief.} of Fire Protection, and it shall be his duty to superintend the extinguishing of fires and to take measures for the protection of property imperiled thereby. He shall appoint, subject to the approval of the City Manager, such firemen and other subordinates as may be authorized by ordinance.

ARTICLE XXI. PUBLIC WORKS DEPARTMENT.

Section 1. The Public Works Department shall have charge ^{Duties.} of General Engineering, Flood Control, Street Construction, Assessment, Street Maintenance, Building Inspection and Care of Public Buildings.

Section 2. City Engineer: The City Engineer must be a ^{City engineer.} civil engineer, who has practiced his profession not less than three years next before his appointment. He shall possess the same power in making surveys, plats and certificates, as is given by law to city engineers and to county surveyors. He shall be the custodian of and shall be responsible for all maps, plans, profiles, field notes and other records and memoranda belonging to the City, and pertaining to his office and to the work thereof; all of which he shall keep in proper order and condition, with full indexes thereof, and shall turn over the same to his successor, taking from him duplicate receipts there-

for, one of which he shall file with the clerk. All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him or under his direction or control during his term of office, or that he may have received from his predecessor, shall remain the property of the City.

Street super-
intendent.

Section 3. The City Engineer shall be ex-officio street superintendent and as such shall have the general care and supervision of streets and of the maintenance and repair thereof and the care of and custody of tools and implements belonging to the City of Visalia and used for street construction and repair. He may employ foremen, laborers and other employees as the City Manager may authorize.

Superin-
tendent of
buildings.

Section 4. Superintendent of Buildings: He shall have charge of the issuing of building permits and shall see that no permit is issued unless the building plans show conformity to all state laws and all ordinances of the City applicable thereto. He shall see that the laws and ordinances regulating the construction of buildings are enforced. He shall perform all duties that are imposed by existing ordinances of the City on the Building Inspector, the Plumbing Inspector and the Inspector of Electric Wiring.

ARTICLE XXII. PUBLIC SERVICE DEPARTMENT.

Duties.

Section 1. The Public Service Department shall have charge of the construction, maintenance and operation of all public utilities owned or operated by the City.

Employees.

Section 2. The Council shall, by ordinance, provide for all necessary subordinate officers, employees, clerks and laborers for this department, and, until other provision is made therefor, the existing ordinances providing for the said subordinate officers, clerks, employees and laborers shall remain in force.

ARTICLE XXIII. MISCELLANEOUS PROVISIONS.

Assignment
of employees.

Section 1. Notwithstanding anything in this charter contained, the City Manager may from time to time, in order to facilitate the prompt, economical and efficient dispatch of City business, assign assistants, deputies, clerks or employees from any office or department of the City government to perform work or service in connection with any other office or department of the City Government or may assign any assistant, deputy, clerk, or employee of the city to work in more than one of said offices or departments.

Application
of general
laws.

Section 2. All general laws of the State applicable to municipal corporations, now or hereafter enacted, and which are not in conflict with the provisions of this charter or with ordinances or resolutions adopted in pursuance of this charter, shall be applicable to the City.

Words and
phrases.

Section 3. Wherever in this charter the word "City" occurs, it means the City of Visalia, and every department, board or officer whenever either is mentioned, means a depart-

ment, board or officer, as the case may be, of the City of Visalia.

Section 4. The compensation of elective officers shall not be increased during the terms of their respective offices. Increase of pay.

Section 5. If any officer of the City shall die or remove from the City, or absent himself therefrom for more than thirty days consecutively, without the permission of the council, or if he shall fail to qualify by taking the oath of office and filing his official bond, whenever such bond is required, within fifteen days from the time his certificate of election or appointment is mailed or delivered to him, or if he shall resign or be removed from office, or if his election shall be finally declared void by any competent tribunal, or if he shall be convicted of a felony, or if he shall be adjudged insane, or if he shall cease to discharge the duties of his office (other than that of member of the council) for two consecutive months, unless prevented by sickness, his office shall become vacant. Vacancies in office.

Section 6. The improvement, widening and opening of streets, the planting of trees, and the making of any other public improvement may be done and assessments therefor may be levied in conformity with and under the authority conferred by general laws; provided, however, that the Council may by ordinance adopt a procedure for the improvement of streets, alleys or other public places, the laying of pipes or conduits or for the removal of dirt, rubbish, weeds and other rank growths and materials which may injure or endanger neighboring property or the health or the welfare of inhabitants of the vicinity, from buildings, lots and grounds and the sidewalks opposite thereto, and for making and enforcing assessments against property benefited or affected thereby or from which such removal is made, for the cost of such improvements or removal and may make such assessments a lien on such property superior to all other claims or liens thereon, except State, County and Municipal taxes, but no such ordinance shall prevent the council from proceeding under general laws for said purposes. Street improvement work.

Section 7. All officers and boards shall deliver to their successors all papers, books, documents, records, archives and other properties pertaining to their respective offices or departments in their possession or under their control. Mutual records.

Section 8. No member of the council, or of any board and no officer or employee of the City, shall be or become directly or indirectly interested in any contract, work or business, or in the sale of any article, the expense, price or consideration of which is payable from the City Treasury, nor shall either or any of them receive any gratuity or advantage from any contractor or person furnishing labor or material for the same; and any contract with the City in which any such officer or employee is or becomes interested shall be declared void by the council. Interest in contracts, etc.

Section 9. All officers, clerks and assistants of the City and departments thereof, except such as may be employed Citizen-ship of employees.

for special purposes, must be citizens of the United States during their period of employment.

Buying
office.

Section 10. No officer or employee of the City shall give or promise to give to any person, any portion of his compensation, or any money or thing of value in consideration of having been or of being nominated, appointed, voted for or elected to any office or employment.

Gifts from
employees,
etc.

Section 11. No officer or employee shall accept any donation or gratuity in money, or other thing of value, either directly or indirectly, from any subordinate or employee, or from anyone under his charge, or from any candidate or applicant for any position as employee or subordinate in any department of the City.

Aiding bid-
ders, etc.

Section 12. No officer or employee of the City shall aid or assist a bidder in securing a contract to furnish labor, or materials or supplies at a higher price or rate than that proposed by any other responsible bidder, or shall favor one bidder over another, giving or withholding information, or shall wilfully mislead any bidder in regard to the character of the materials or supplies of a quality inferior to that called for by the contract, or shall knowingly certify to a greater amount of labor performed than has actually been performed, or to the receipt of a greater amount of material or supplies than has actually been received.

Allowance of
unauthorized
claims.

Section 13. Every officer who shall wilfully approve, allow or pay any demand on the Treasury, not authorized by law, shall be liable to the City individually and on his official bond for the amount of the demand so approved, allowed or paid, and shall forfeit such office and be forever disbarred and disqualified from holding any position in the service of the City.

Moneys to
be deposited
in treasury.

Section 14. All moneys received from taxes, licenses, fees, fines, penalties and forfeitures, and all moneys which may be collected or received by any officer of the City in his official capacity, or by any department of the City, for the performance of any official duty, and all moneys accruing to the City from any source and all moneys directed by law, or by this charter to be paid or deposited in the Treasury, shall be paid into the treasury daily. The Treasurer shall receipt for each such deposit in triplicate, giving the original and duplicate to the depositor who must file the duplicate with the City Controller.

Records
open to
inspection.

Section 15. All books and records of every office and department shall be open to the inspection of any citizen during business hours subject to the proper rules and regulations for the efficient conduct of the business of such department or office; but the records of the Police Department shall not be subject to such inspection except by permission of the proper police authorities.

Certified
copies of
records.

Section 16. Copies or extracts, duly certified, from said books and records open for inspection, shall be given by the officer having the same in custody to any person demanding the same and paying or tendering ten cents per folio of one

hundred words for such copies or extracts, and the additional sum of twenty-five (25) cents for certifying.

Section 17. Unless otherwise provided for by law or ordinance all city officers shall keep their offices open for the transaction of business continuously from 8 o'clock A. M., to 5 o'clock P. M., each day except Sundays and holidays.

Office hours.

Section 18. All officers, assistants and employees in office when this charter takes effect, shall continue to hold and exercise their respective offices or employment, under the terms of this charter, until the election or appointment and qualification of their successors.

Continuance in office.

Section 19. The present Board of Trustees shall provide for the holding of the first election of officers under this charter and shall canvass the votes and declare the results thereof.

First election.

Section 20. All vested rights of the City shall continue and shall not in any manner be affected by its adoption of this charter, nor shall any right, liability, pending suit or prosecution either in behalf of or against the City be affected by the adoption of this charter, unless otherwise herein expressly provided. All contracts entered into by the City or for its benefit prior to the taking effect of this charter shall be continued and perfected hereunder. Public improvements for which legislative steps shall have been taken under laws in force at the time this charter takes effect, may be carried to completion in accordance with the provisions of such laws.

Vested rights not affected.

Section 21. On the first day of each month every officer authorized by law to charge any fee, commission, percentage, allowance, or compensation, must make a written report to the City Controller of all moneys received by him during the preceding month.

Monthly financial reports.

Section 22. If any section or part of a section of this charter proves to be invalid, it shall not be held to invalidate or impair the validity of any other section or part of a section, unless it clearly appears that such other section, or part of a section, is dependent for its operation upon the section or part of a section so held invalid.

Validity of sections.

Section 23. When making purchases for all departments of the City, local merchants shall be given the preference, quality and prices being equal.

Purchases.

Section 24. Neither the City Manager nor any person in the employ of the City shall take any active part in securing, or shall contribute money toward the nomination or election of any candidate for a municipal office.

Political activity of employees.

Section 25. All the powers of the City except as otherwise provided by this charter, are hereby vested in the Council.

Powers vested in council.

Section 26. The violation of any provision of this charter shall be deemed a misdemeanor. The Council may make the violation of any ordinance a misdemeanor and fix the punishment therefor, not exceeding a fine of Five Hundred (\$500.00) Dollars or imprisonment not exceeding six months or both. Any person sentenced to imprisonment for a violation of this Charter or of any ordinance, may be imprisoned in the City

Penalties.

Jail or in the County Jail of the County in which the City of Visalia is situated, in which latter case the expense of such imprisonment shall be a charge in favor of such County against the City of Visalia. Persons so imprisoned may also be required by the Council to labor on the streets or other public works of the City.

Charter
takes effect.

Section 27. For the purpose of electing all elective officers and all purposes connected therewith this Charter shall take effect from the time of its approval by the Legislature. For all other purposes it shall take effect on the third Monday in April, 1923. Provided that all ordinances, resolutions and regulations, in force at the time of the approval of this Charter by the Legislature, and not inconsistent with the provisions thereof, are hereby continued in force until the same shall be amended or repealed; and provided further, that the members of the City Council and the members of the Board of Education in office at the time of the approval of this Charter by the Legislature, shall continue to hold office and discharge the duties thereof until the third Monday in April, 1923, at 8 o'clock P. M. and until the election and qualification of the Councilmen and members of the Board of Education under this charter; and the terms of each of the other officers in office at the time the Charter shall be so approved shall cease and terminate when the City Council elected hereunder shall by resolution so declare; but the powers and duties of all officers of the City of Visalia, after the approval of this Charter by the Legislature, shall be as prescribed in this Charter or by ordinance or resolution passed pursuant thereto.

WHEREAS, the City of Visalia is a city containing a population of more than three thousand five hundred inhabitants as ascertained by the last preceding census taken under authority of the Congress of the United States; and

WHEREAS, on the 29th day of May, 1922, at a special election duly held on that day under and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the electors of said City did choose and elect James Richardson, J. A. Allen, Jos. R. Barboni, N. F. Bradley, James M. Burke, Ira Chrisman, E. I. Feemster, Gilbert B. Furness, Charles H. J. Hausch, L. C. Hyde, J. Sub Johnson, Ben M. Maddox, Joseph Sherman, Adolph D. Sweet and Norman C. Wolff, who are all electors of said City and eligible as candidates under such election as a board of fifteen free-holders to prepare and propose a charter for the government of said City; and

WHEREAS, the result of said election was duly declared by the legislative body, to-wit, the Board of Trustees of said city, on the 2nd day of June, 1922, and the said electors thereafter duly qualified as such free-holders in accordance with law; and

WHEREAS, the said Board of Free-holders did on the 25th day of September, 1922, determine and declare that the period of one hundred and twenty days was insufficient time for the preparation and proposal by said Board of Free-

holders, of a charter for the government of said City, and did thereupon, on said 25th day of September, 1922, with the consent of the legislative body of said City, to wit, the Board of Trustees of said City extend the said period of one hundred and twenty days for an additional period of twenty-one days; and

WHEREAS, the period as so extended since the result of said election was declared, has not expired:

NOW THEREFORE, in pursuance of the said provisions of the Constitution of the State of California, and within the period as so extended after the result of said election was so declared, the said Board of Free-holders has prepared and does now propose the foregoing charter as and for the charter of the City of Visalia.

And the said Board of Free-holders does hereby fix and designate Thursday, the 4th day of January, 1923, as the date for holding a special municipal election in said City, at which the said proposed charter shall be submitted to the electors of said City for their ratification and adoption.

IN WITNESS WHEREOF, the undersigned free-holders hereunto set our hands at the City of Visalia in the State of California, this 13th day of October, 1922.

JAMES M. BURKE,
President of the Board of Free-holders.
N. F. BRADLEY,
Secretary of said Board.
J. SUB JOHNSON,
BEN M. MADDOX,
J. A. ALLEN,
E. I. FEEMSTER,
L. C. HYDE,
GILBERT B. FURNESS,
JOSEPH SHERMAN,
ADOLPH D. SWEET,
J. E. RICHARDSON,
JOS. R. BARBONI,
CHAS. H. J. HAUSCH,
NORMAN C. WOLFF,
IRA CHRISMAN.

We do hereby certify that the foregoing constitutes a full and true statement of all of the facts and proceedings had by the City of Visalia in the matter of the election of the Board of freeholders and in the preparation, proposing, filing, voting upon and canvassing the returns, and declaring the result of the election in the matter of the proposed Charter for the government of the said City of Visalia, and that said Charter as hereinbefore set forth is a full, true and correct copy of the Charter as prepared and proposed by the said Board of freeholders, and of the Certificate of said board of freeholders thereto attached and filed in the office of the City Clerk, of said City, of Visalia on the 13th day of October, 1922. Certificate.

IN WITNESS WHEREOF, we have hereunto set our hands and hereunto affixed the seal of the City of Visalia this 9th day of January, 1923.

ISAAC CLARK,
President of the Board of Trustees
of the City of Visalia.
IDA MARKHAM,
City Clerk of the City of Visalia.

[SEAL.]

Approved by
legislature.

WHEREAS, Said charter has been submitted to the legislature of the State of California for approval or rejection without alteration or amendment, in accordance with section eight of article two of the constitution of the State of California; now, therefore, be it

Resolved, by the assembly of the State of California, the senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said charter as presented to, adopted and ratified by said city of Visalia and as hereinabove fully set forth, be and the same is hereby approved as a whole as and for the charter of the city of Visalia.

CHAPTER 14.

Assembly Concurrent Resolution No. 4.—Approving the charter of the city of Tulare, State of California, voted for and ratified by the qualified voters of said city of Tulare at a special municipal election held therein for that purpose on the fifth day of September, 1922.

[Filed with Secretary of State February 3, 1923.]

Tulare city
charter.

WHEREAS, The city of Tulare, a municipal corporation of the county of Tulare, State of California, now is and at all times herein referred to was a city containing a population of more than three thousand five hundred inhabitants as ascertained by the last preceding census taken under the authority of the congress of the United States, and

WHEREAS, At a special municipal election held in said city on the sixteenth day of November, 1921, under and in accordance with the law and the provisions of section eight of article eleven of the constitution of the State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city by the qualified electors thereof, to prepare and propose a charter for the government of said city, and

WHEREAS, Said board of freeholders did within one hundred twenty days after the result of such election was declared ask for and receive an extension of time until May nineteenth, and within which latter time they did prepare and propose a charter for the government of said city of Tulare, and

WHEREAS, Said charter was, on the eighteenth day of May, 1922, signed by the full number of said board of freeholders

and was thereupon duly returned and filed on the nineteenth day of May, 1922, in the office of the city clerk of the city of Tulare, and

WHEREAS, Said proposed charter was thereafter published once, namely, on the first day of June, 1922, in the Tulare Register, the same being the official paper of said city and being a newspaper of general circulation printed and published and circulated daily in said city; and

WHEREAS, The legislative body of said city did also cause copies of such charter to be printed in convenient pamphlet form and did from the date of the filing of said charter until the date of the special municipal election on the fifth day of September, 1922, advertise in said Tulare Register and also in the Tulare Advance a notice that such copies of such charter might be had upon application therefor to the city clerk of said city; and

WHEREAS, The said proposed charter was, not less than sixty days from the completion of the publication of such charter to wit, on the fifth day of September, 1922, the date fixed by said board of freeholders, duly and regularly submitted to the qualified electors of said city at a special municipal election duly called and held therein; and

WHEREAS, At said last mentioned special election held as aforesaid on the fifth day of September, 1922, a majority of the qualified voters of said city of Tulare voting thereon at such special municipal election voted in favor of such proposed charter and duly ratified the same as a whole; and

WHEREAS, The officers of said city after canvassing the return of the said last mentioned special municipal election, duly found and declared that a majority of said qualified electors voting at said special election had voted in favor of and had ratified said charter as above specified; and

WHEREAS, Said charter so prepared, proposed, filed and ratified as herein set forth, together with the certificate and signatures of said board of freeholders attached thereto, are in words and figures as follows, to wit:

PROPOSED CHARTER OF THE CITY OF TULARE

PROPOSED CHARTER FOR THE CITY OF TULARE, CALIFORNIA, AS PREPARED AND PROPOSED BY A BOARD OF FIFTEEN FREEHOLDERS, AND FILED IN THE OFFICE OF THE CITY CLERK OF SAID CITY MAY 19, 1922.

NAME AND BOUNDARIES.

Section 1. The municipal corporation now existing and ^{Name.} known as the City of Tulare, shall remain and continue a body politic and corporate in name and in fact and in law.

The boundaries of the City of Tulare shall continue as now ^{Boundaries.} established until changed in some manner authorized by law.

WARDS.

Section 2. For municipal purposes the City of Tulare is ^{Wards.} hereby divided into five wards, the boundaries thereof to be

fixed or changed by the City Council, and to be known as First, Second, Third, Fourth and Fifth Wards.

POWERS.

Powers.

Section 3. Said city shall have and may exercise all the powers heretofore granted to the other municipalities of the state, also such as may be necessary or appropriate to a municipal corporation and to the general welfare of its inhabitants which are not prohibited by the constitution, and which it would be competent for this charter to set forth particularly or specifically, and the specification herein of any particular powers shall not be held to be exclusive.

ELECTIVE OFFICERS.

Elective officers.

Section 4. The elective officers of the City shall be five councilmen, five members of the Board of Education, a Police Judge, a City Auditor, and a Treasurer.

First election.

Section 5. On the 10th day of April, 1923, there shall be elected at large Five (5) Councilmen, an Auditor, a Treasurer, a Police Judge and Five (5) members of the Board of Education. The term of office of each of said elective officers shall be Four (4) years, and until his successor is elected and qualified.

OFFICIAL BONDS.

Auditor and treasurer.

Section 6. The Auditor and the Treasurer, before entering upon the duties of their respective offices, shall each give and execute to the city a bond with a responsible surety company in such penal sum as the City Council may by ordinance direct, conditioned upon the true, honest and faithful performance of the duties of such offices.

Police judge.

Section 7. The Police Judge shall give and execute a similar bond in the penal sum of Five Thousand Dollars (\$5,000.00).

Approval.

Section 8. The bond of the Auditor, the Treasurer and the Police Judge shall be approved by the Council and filed with the City Clerk.

VACANCIES.

Vacancies in office.

Section 9. A vacancy in any elective office, from whatever cause arising, shall be filled by appointment by the Council, such appointee to hold office until the next general municipal election, when a successor shall be chosen by the electors for the unexpired term; provided that if the Council fails to agree or for any other reason does not fill such vacancy within thirty days after the same occurs, then such vacancy shall be filled by the Mayor, Auditor and Treasurer acting as a special commission for that purpose; provided, however, that if for any reason the seats of a majority of the Council shall become vacant, then the City Clerk shall call a special election at once to fill the vacancies for the unexpired terms, and the same shall be conducted as herein provided for general municipal elections.

If any officer of the city shall remove from the city or absent himself therefrom for more than thirty days consecutively without the permission of the Council, or shall fail to qualify, or shall resign, or be convicted of a felony, or be adjudged insane, his office shall thereupon become vacant.

QUALIFICATIONS OF OFFICERS.

Section 10. All elective officers, at the time of their election, shall be qualified electors of the City of Tulare. The members of the School Board, at the time of their election, shall be qualified electors of the Tulare School District. Qualifications of officers.

ELECTIONS.

Section 11. All general municipal elections at which city officials or members of the school board are to be voted for shall be held and conducted, as nearly as may be, in accordance with the general laws providing for and governing elections in cities of the fifth and sixth class. The regular municipal elections shall be held on the second Tuesday in April commencing with the year 1923, and every fourth year thereafter. Elections.

INITIATIVE, REFERENDUM AND RECALL.

Section 12. Ordinances may be initiated, or the referendum applied on ordinances passed by the Council under and in accordance with the constitution and general laws of the state, provided that all petitions in connection therewith shall not be circulated but shall be deposited for signatures at not less than three public places in the city to be specified by the City Council. Any elective officer shall be subject to the recall in accordance with the provisions of the constitution and general laws of the state, provided that petitions shall not be circulated but be deposited for signatures at not less than three public places in the city to be designated by the Council; and provided further that in case an officer is recalled the office held by him shall be deemed vacant and shall be filled by the Council as any other vacancy. Initiative, referendum, and recall.

THE CITY COUNCIL.

Section 13. The legislative body of the city shall be vested in a City Council, to consist of five members, who shall serve without compensation. Council

MEETINGS.

Section 14. The City Council shall meet on the Monday next succeeding the date of said general municipal election, shall take the oath of office, shall choose one of their number president, who shall be ex-officio mayor and executive head of the city. The Council shall hold regular meetings at least once in each month at such times as they shall fix by ordinance, and may adjourn any regular meeting to a date certain, which shall be specified in the order of adjournment, and Meetings of council.

when so adjourned, such adjourned meeting shall be a regular meeting for all purposes. Special meetings may be called at any time by the mayor or by three councilmen by written notice delivered to each member at least three hours before the time specified for the proposed meeting; all meetings of the Council shall be held within the corporate limits of the city at such place as may be designated by ordinance and shall be public.

ORDINANCES AND RESOLUTIONS.

Ordinances
and
resolutions.

Section 15. The Council shall act only by ordinance or resolution. All proposed ordinances shall be introduced in typewritten or printed form, and no ordinance shall be passed by the Council on the day of its introduction, nor within five days thereafter, nor at any time other than a regular meeting. Nothing herein shall be construed as prohibiting minor changes, amendments or modifications of a proposed ordinance between the time of its introduction and final passage, providing its general scope and original purpose are retained. The affirmative vote of three members shall be necessary to the passage of any ordinance or resolution.

All resolutions and ordinances shall be signed by the President of the Council and attested by the City Clerk.

In addition to those cases in which an ordinance is required by other provisions of this charter, no action providing for any specific improvements or the appropriation or expenditure of any public money except sums less than Three Hundred Dollars (\$300.00) for the appropriation, acquisition, sale or lease of public property; for the levying of any tax or assessment; for the granting of any franchise; for establishing or changing fire limits; or for the imposing of any penalty, shall be taken except by ordinance; provided, that such exceptions be observed as may be called for in cases where the Council takes action in pursuance of a general law of the state.

The enacting clause of all ordinances shall be "Be it ordained by the Council of the City of Tulare." All ordinances, with the exception of the annual appropriation ordinance, shall contain but one subject which shall be clearly stated in the title. If any subject shall be embraced in an ordinance or resolution which shall not be expressed in its title, such ordinance shall be void only as to so much thereof as shall not be expressed.

All ordinances, except emergency ordinances not subject to referendum, before final action thereon, must be passed to print and published in a newspaper of general circulation in the City of Tulare, with the ayes and noes for two days, and, in case of any amendment being made thereto before the final adoption of the ordinance must in like manner be republished as amended for not less than one day.

No ordinance shall be amended unless the whole section to be amended be set forth as amended, and the original section repealed.

POWER OF INVESTIGATION.

Section 16. The Council, or a committee thereof, may investigate the affairs of any department or the official acts and conduct of any official. It shall have power to administer oaths, compel the attendance of witnesses and the production of books and papers, and may punish for contempt any person failing to obey its subpoena or refusing to testify. No person shall be excused from testifying, but his testimony shall not be used against him in any criminal proceeding, other than for perjury.

APPOINTIVE OFFICERS.

Section 17. There shall be the following appointive officers, boards and commissions who shall perform the duties assigned them by this charter or by ordinance:

City Manager, City Clerk, City Engineer, City Attorney, Chief of the Fire Department, Board of Health, Health Officer, City Planning Commission, Superintendent of Parks and Play Grounds, Board of Library Trustees, Board of Public Utilities and a City Assessor.

The Council may by ordinance provide for the appointment of all employces of the city government, except as otherwise provided in this charter. The Council shall appoint the City Manager, City Clerk, City Attorney, three (3) members of the Board of Public Utilities and such other subordinate officers as in their judgment may be deemed necessary, and fix their compensation.

All other appointive officers shall be appointed and removed by the City Manager.

All appointive officers shall before entering upon the duties of their office take the oath herein prescribed for elective officers and file with the City Clerk bonds of some responsible surety company in such penal sums as this charter, or failing such provisions, as the Council may by ordinance, direct.

CITY CLERK.

Section 18. The City Clerk shall be the custodian of the seal of the City. He shall safely keep all books, records and other documents required by this charter or the laws of the state to be kept and filed in his office. He shall be Clerk of the Council, and until the Council shall otherwise provide by ordinance he shall act as Clerk of the Police Court. He shall have the power to administer oaths. It shall be his duty to perform all acts required of him by this charter, by ordinance or by the laws of the state.

CITY ATTORNEY.

Section 19. The City Attorney shall be an attorney-at-law, duly admitted to practice in the courts of this state, and having practiced therein at least two years. He shall represent the City in all litigation, including the prosecution of criminal cases arising out of the violations of city ordinances.

He shall be the legal advisor of the Council, the City Manager, and all other officers, boards and departments of the city, and shall give his opinion in writing when requested in writing by any officer or board. He shall draft all proposed ordinances, or resolutions, when requested to do so by the Council, and perform such other duties, as may be prescribed by ordinance.

CITY MANAGER.

City
manager.

Section 20. The Council shall appoint a city manager. His powers and duties shall be as follows:

- (a). To see that all ordinances are enforced.
- (b). To appoint, except as otherwise provided, all heads of departments, subordinate officials and employees, and remove the same, except as otherwise herein provided.
- (c). To exercise general supervision over all public utilities operating within the city so far as the same are subject to municipal control.
- (d). To see that the provisions of all franchises, permits and privileges granted by the city are fully observed, and to report to the council any violation thereof.
- (e). To appoint a board of social service which shall, under him, have charge of all matters pertaining to the care and relief of the needy, the establishment of employment bureaus, day nurseries and the like. Said board shall serve without compensation.
- (f). To act as purchasing agent for the city except for the Board of Education and Board of Public Utilities, unless requested by said boards.
- (g). To attend all meetings of the Council unless excused therefrom by the Council or the Mayor.
- (h). To examine or cause to be examined, without notice, the conduct of any officer or employee of the city.
- (i). To keep Council advised as to the needs of the city.
- (j). To devote his entire time to the interests of the city.
- (k). To appoint such advisory boards as he may deem best to serve without compensation, to confer with him and assist him in his work.

OTHER ADMINISTRATIVE OFFICERS AND BOARDS.

Other
appointive
officers.

Section 21. The City Manager shall appoint the following officers and all other officers of the city, except where this charter expressly provides otherwise:

City Engineer, Board of Health, Health Officer, Chief of Police Department, Chief of Fire Department and Superintendent of Parks and Playgrounds.

PURCHASING AGENT.

Purchasing
agent.

Section 22. At the beginning of each fiscal year it shall be the duty of the head of each department or office to furnish the Purchasing Agent with an estimate of the supplies and materials needed by that department or office during the ensuing year. It shall be the duty of the Purchasing Agent

to buy from time to time supplies and materials to the credit of the store fund. It shall be his duty to acquaint himself with the needs and requirements of the city and to procure and retain samples of all materials, fabrics and supplies of every kind necessary for its use. It shall be his duty to take advantage, for the benefit of the city, of all trade and cash discounts and favorable trade conditions that may arise. He shall inspect all purchases upon delivery and must reject any articles which fail to comply with the provisions of the contract as to weight, quantity, or quality, and shall not approve any invoice or claim against the city unless the weight, quantity, quality and price of the articles therein enumerated are correctly stated according to the terms of the contract of purchase. He shall keep accurate records of all supplies purchased and the disposition thereof. He shall have the custody of all supplies in the city store, and shall deliver the same from time to time on the written requisition of the office or department requiring them. The Council shall in the first annual appropriation ordinance after the adoption of this charter, appropriate a sum sufficient to create a revolving store fund. Supplies drawn from the store shall be paid for by warrants payable to the store fund.

PURCHASE BY CONTRACT OR IN THE OPEN MARKET.

Section 23. When the expenditure required for the purchase of any supplies exceeds Three Hundred Dollars (\$300.00) the Purchasing Agent shall advertise for sealed proposals in the manner hereinafter prescribed for proposals for public work and the contract shall be awarded by the Council to the lowest responsible bidder, provided that the Council may reject all bids and order the Purchasing Agent to buy in the open market at a price less than the lowest bid received from a responsible bidder, and provided that if no bids are received, the Council may order the Purchasing Agent to buy in the open market. Purchase of supplies.

Until the Council shall otherwise provide by ordinance, the City Manager shall act as Purchasing Agent.

FISCAL YEAR.

Section 24. The fiscal year shall commence on the first day of January. Fiscal year.

TAXATION.

Section 25. The Council shall by ordinance provide for the assessment, levy and collection of taxes. The tax levy authorized by the Council shall not exceed one dollar upon each one hundred dollars (\$100.00) of the assessed valuation of all real and personal property within the city, exclusive of the amount necessary to pay the principal of and interest on the bonded indebtedness of the city, except by ordinance approved, or adopted by the affirmative vote of the majority of the people voting at a general or special election. Taxation.

ESTIMATES OF REVENUE AND EXPENDITURE.

Budget.

Section 26. On or before the first day of July, of each year, the City Manager shall submit to the Council an estimate of revenue and expenditures for the ensuing year. It shall contain an estimate of the probable revenue from all sources, the amount necessary to meet the interest and principal of the bonded indebtedness of the city, and the following information arranged in parallel columns:

(a). Detailed estimate of the expense of conducting each department as submitted by the department.

(b). Expenditures for corresponding items for the last two fiscal years.

(c). Expenditures for corresponding items for the current fiscal year, including adjustments due to transfers between appropriations, and an estimate of the expenditure necessary to complete the current fiscal year.

(d). Supplies and materials on hand.

(e). Such other information as the Council may require.

(f). Recommendations of the City Manager.

Sufficient copies shall be prepared by the City Manager to provide one for each member of the Council and to place two copies on file in his office for the inspection of the public.

PUBLICATION OF THE BUDGET.

Publication
of budget.

Section 27. Upon the receipt of this budget, the Council shall proceed to consider the same. Before the final action is taken the City Manager, at the direction of the Council, shall publish for general distribution an abstract of the budget showing the principal items of expenditure for each department, together with the changes in his recommendations, if any, proposed to be made by the Council. The Council shall then fix the time and place for public hearings. The Council shall not finally pass the annual budget before the first day of September.

MISCELLANEOUS PROVISIONS RELATING TO APPROPRIATIONS.

Appropriations.

Section 28. Upon request of the City Manager, the Council may by ordinance, transfer any part of an unencumbered balance of any appropriation to another purpose or object, or may by ordinance authorize a transfer to be made between items appropriated to the same office or department.

At the close of each fiscal year, the unexpended balance of each appropriation against which no contracts for work or supplies are outstanding reverts to the general fund. Any money in the general fund otherwise unappropriated may be appropriated by the Council at any time, by ordinance.

No money shall be drawn from the city treasury nor obligation for the expenditure of money be incurred, except in accordance with the appropriations made by the Council, or otherwise provided for herein.

EMERGENCY FUND.

Section 29. The Council shall create and maintain a permanent revolving fund to be known as the emergency fund, for the purpose of paying promptly any unexpected or unusual claims against the city. For this purpose the Council shall provide that from the money collected from the annual tax levy and from the money received from other sources, a sum equal to not less than one-half cent on each one hundred dollars of the assessed value of said property shall be placed in such fund, until the accumulated amount in such fund shall equal three cents on each one hundred dollars of the assessed value of said property. Emergency fund.

The Council shall have power to transfer from the emergency fund to any other fund or funds such sum or sums as may be required for the purpose of maintaining such fund or funds, as nearly as possible on a cash basis. It shall be the duty of the Council to provide that all money so transferred from the emergency fund be returned thereto before the end of the fiscal year. Transfer of funds.

CITY AUDITOR.

Section 30. The City Auditor shall be the general accountant and responsible fiscal officer of the City. He shall keep a complete set of books in the manner hereinafter prescribed. He shall have power to administer oaths, summon witnesses and order the production of books, papers and other evidence for any purpose connected with the financial administration of the city. No money shall be drawn from the City Treasury, except by warrant drawn by the City Auditor. The City Auditor shall not draw his warrant for the payment of any claim until he is satisfied that the claim represents an obligation legally incurred, and is not, when added to all expenses already incurred against the appropriation in question, in excess of the amount of said appropriation, or said appropriation plus duly authorized transfers thereto, nor altogether with all claims already paid from the fund from which it is to be paid, in excess of the money actually paid into the city treasury on account of said fund during the current fiscal year. City auditor.

Section 31. The City Auditor shall install and maintain a modern accounting system which shall include such a standard classification of a general balance sheet disclosing the exact financial condition of the city at the close of the month. He shall provide uniform forms of account for all offices and departments of the city which receive and disburse money. The account of the Purchasing Agent shall be kept in such form as will enable the Auditor to ascertain at any time the details of unfilled orders for material and for services or filled orders for which invoices have not been rendered. Accounting system.

Section 32. All claims shall be submitted upon vouchers, the form of which shall be prescribed by him, signed by the Claims.

head of the department for which the indebtedness was incurred, and countersigned by the City Manager, except as otherwise provided herein.

Each head of department or other official of the city, certifying any claim against the city shall be liable to the city for any loss or damage sustained by the city by reason of the negligent or corrupt approval of any claim against the city.

TREASURER.

Treasurer. Section 33. The City Treasurer shall be the custodian of all the moneys belonging to the city subject to the limitations of the constitution and general laws of the state. He shall be ex-officio License Collector. He shall collect all licenses and other moneys due to the City of Tulare, and perform such other duties as the Council may by ordinance direct. Before assuming the duties of his office he shall file with the City Clerk a surety company bond in the penal sum of Fifty Thousand Dollars (\$50,000.00) conditioned for the true, faithful and honest performance of his duty. The premium on this bond shall be paid by the city.

PAYMENT OF MONLYS INTO THE TREASURY.

Payment of moneys into treasury. Section 34. Every officer collecting or receiving any moneys belonging to or for the use of the city, except when otherwise provided, by law, or this charter, shall pay the same into the city treasury and account therefor to the City Clerk daily. The City Clerk shall direct the proper fund to be credited therewith.

REPORT OF FINANCIAL CONDITIONS.

Financial reports. Section 35. The City Auditor shall lay before the Council at the second meeting in each month a report containing in detail the receipts and disbursements of the city on all accounts, the expenditures made and obligations incurred during the preceding calendar month and a balance sheet showing the financial condition of the city, of the several funds and the total unexpended balance to the credit of each appropriation. Copies of this report shall also be supplied to the City Manager, the heads of departments, the public library, and each daily or weekly newspaper published in the city and to such citizens as make application therefor. As soon after the completion of each fiscal year as practicable, the City Auditor shall submit to the council a similar report and balance sheet for the preceding fiscal year. This report shall be printed for general distribution.

POLICE AND FIRE DEPARTMENTS.

Police department. Section 36. The police department shall consist of a chief of police, a police force and such subordinate officers and employces as the City Council may prescribe. The Chief of Police and City Manager shall adopt rules for the govern-

ment, discipline, equipment, and uniform of the department, subject to the approval of the council.

CHIEF OF POLICE.

Section 37. The Chief of Police shall have all the powers that are now or may hereafter be conferred upon sheriffs and other peace officers by the laws of the state. He shall be responsible for the execution of all laws and ordinances and the rules governing the police department. He shall have such other powers and duties as may be conferred by the Council.

Chief of
police.

FIRE DEPARTMENT.

Section 38. The fire department shall consist of a chief and such firemen and other employees as the Council may determine. The Chief and City Manager shall prescribe rules for the government of the department.

Fire
department.

QUALIFICATIONS.

Section 39. Every person appointed to the police and fire departments, excepting the respective chiefs thereof, subsequent to the first day of July, 1923, shall be not less than twenty-one, nor more than forty-five years of age, and must possess the physical qualifications which shall not in the case of male members be inferior to those required by recruits by the United States Army. They must also pass a satisfactory mental examination under the rules prescribed by the City Manager and Chiefs of the respective departments.

Qualifica-
tions.

POLICE COURT.

Section 40. There is hereby constituted a police court in and for the City of Tulare, to be presided over by a Police Judge.

Police court.

QUALIFICATIONS.

Section 41. The Police Judge shall be a qualified elector and shall further possess all the qualifications and be subject to all the restrictions imposed by the general laws upon Justices of the Peace in the State of California.

Police judge.

JURISDICTION.

Section 42. Said Police Court and Police Judge shall have all the powers, authority and jurisdiction, both civil and criminal, that are now or may hereafter be conferred by law upon Justices of the Peace in California, and in addition thereto, said Police Court and Police Judge shall have exclusive jurisdiction of all proceedings for the violation of any ordinance of the City of Tulare.

Jurisdiction
and powers.

DISQUALIFICATIONS.

Section 43. In all cases in which the Police Judge is a party or in which he is interested, or related to either party by consanguinity or affinity within the third degree, and in

Disqualifi-
cations.

case of sickness, absence or inability to act, any Justice of the Peace of the County of Tulare may, at the request of the Mayor or of said Police Judge, act in his place and stead.

FEEES AND FINES.

Fees and fines.

Section 44. All fees and fines collected from any and all sources shall be paid by said Police Judge daily into the city treasury and he shall file with the City Clerk each month a detailed statement under oath of all money collected by him on behalf of the city.

DEPARTMENT OF PUBLIC WORKS.

City engineer.

Section 45. The City Engineer shall be head of the department of public works. He shall have all such powers and duties as are conferred on him by this charter or by ordinance. He shall be ex-officio superintendent of streets. He shall at the time of his appointment have been a practicing civil engineer for a period of three years. The department of public works shall have charge of all public work relating to streets, street cleaning, lighting and watering of streets, sewers, sewage disposal, garbage disposal, public buildings and the construction and operation of all public utilities owned and operated by the city, except as otherwise provided herein.

PUBLIC WORK TO BE DONE BY CONTRACT.

Contracts for public work.

Section 46. All public buildings and work, when the expenditure therefor shall exceed three hundred dollars (\$300.00) shall be done by contract and shall be let to the lowest responsible bidder, after advertising for five consecutive days in a daily newspaper of general circulation published in the city, for sealed proposals for the work contemplated. Provided, that the Council may reject any and all bids, if deemed excessive and readvertise for bids or provide for the work to be done by the department of public works.

All contracts shall be approved as to form by the City Attorney, and shall be signed by the Mayor, and attested by the City Clerk. No contract is valid, except in the case where the work is to be paid for by special assessment, unless the City Auditor shall endorse thereon his certificate that there remains an unexpended balance of an appropriation or proceeds of a bond issue applicable thereto.

PENALTY FOR COLLUSION.

Penalty for collusion.

Section 47. If at any time it shall be found that the person, firm or corporation to whom the contract has been awarded, has, in presenting any bid or bids, colluded with any other party or parties, then the contract so awarded shall be null and void, and the contractor and his sureties shall be liable to the city for all loss or damage which the city may suffer thereby, and the council may advertise anew for bids for said work.

CITY PLANNING COMMISSION.

Section 48. There shall be a City Planning Commission established, governed and maintained under and pursuant to the provisions of the general laws of the state. City
planning
commission.

DEPARTMENT OF PARKS AND PLAYGROUNDS.

Section 49. The department of parks and playgrounds shall consist of a Superintendent of Parks and such other employees as the Council may provide. The superintendent shall have complete charge of the parks and reservations of the city, except as otherwise limited in this charter. The Superintendent and City Manager shall make rules for the use of the parks and the preservation of the trees, shrubs, lawns, etc., subject to the approval of the City Council. The Council may designate any of the employees of the park department as special police officers and as such they shall have the powers and duties within the parks and reservations of the city as would be possessed by regular police officers. Parks and
playgrounds.

The parks and reservations of the city shall be inalienable. Concessions and privileges therein or in the buildings erected by the city thereon may be leased for a period of not more than one year.

DEPARTMENT OF HEALTH.

Section 50. The head of the department of health shall be the Health Officer. He shall have all the powers and duties conferred on boards of health and health officers by the general laws of the state and such other powers and duties as may be conferred by ordinance. The Health Officer shall have the degree of doctor of medicine, or shall have received a certificate or degree in public health from the University of California or other institution of equal standing and have practiced medicine or have been engaged in public health work for at least three years. Health
officer.

The Health Officer shall have the power to order the removal or destruction of any matter, filthy, obnoxious or dangerous to health, in or from any building, grounds or premises, and the demolition, or reconstruction in a way to be approved by him, of any building or premises or any portion or appurtenances thereof which violates any sanitary law or ordinance or which is productive of nuisance or dangerous to health. If the occupant or owner of the building, grounds or premises fails to obey the order of removal, demolition or reconstruction, within a reasonable time, the health officer shall proceed to carry out the terms of the order and the expense thereof shall be borne by the owner of the building, grounds or premises in question and shall become a lien thereon. Powers.

The health officer and every other regularly appointed employee of the health department shall have the right and power to arrest any person or persons who may violate any sanitary law or regulation or any valid order of the health officer. Arrests.

ADVISORY BOARD OF HEALTH.

Board of health.

Section 51. A Board of Health may be appointed by the City Manager for a term of four years, and shall consist of five persons, three of whom shall be physicians licensed to practice in this state and one a civil engineer. They shall serve without compensation. It shall be the duty of the Board of Health to meet on the call of the Health Officer and to give him its advice on any matter which he may refer to it.

BOARD OF PUBLIC UTILITIES.

Board of public utilities.

Section 52. There is hereby created a Board of Public Utilities consisting of the City Manager and two members appointed by the Mayor and confirmed by the council, who shall hold office for four years and until their successors are appointed and qualified.

Compensation.

The members shall serve without compensation unless otherwise provided by ordinance, but necessary expense incurred by them in the discharge of their duties shall be a proper charge against the city and when properly certified to by the City Auditor shall be paid out of the public service fund.

Secretary.

The City Clerk shall sit as Secretary of said board and keep the minutes and records thereof, and shall, when required so to do, certify such proceedings under his hand, and the seal of said city.

Meetings.

The board shall hold regular meeting at least once a month at such time and place as it may determine. The powers and duties of said board shall be as follows, to-wit:

Powers and duties.

(a). To have exclusive control and management of all electric and other light and power works, gas works, telegraph or telephone systems, water works, ice works, or other systems of providing and distributing refrigerating means, materials and service, and all other public utilities that may be hereafter acquired by the city; to take control over any public utilities now belonging to the city; to acquire, construct, extend, maintain, operate and improve such works and systems, to manage, rent, use, sell and distribute electricity, light, power, gas, water, fuel, ice or other products, merchandise or service therefrom: to collect rates and payment from the same and to generally have charge thereof; to have charge of the fire and police telegraph and alarm systems.

Employees, etc.

(b). To appoint, transfer, remove, discharge, or require bonds of superintendents, engineers, laborers and other persons employed by it or in connection therewith in whatever capacity, and to prescribe their duties, compensation and authority, except as otherwise provided herein, and to direct the City Manager to take charge of all work under said board; to fix all rates annually.

Sale to outsiders.

Section 53. The city, through its Board of Public Utilities shall have the right to sell, lease, rent or furnish any of the commodities, merchandise or service herein provided for, to persons or corporations using the same outside the city limits, provided, the same does not interfere with the proper service

of the inhabitants of the city; and all contracts concerning same must be subject to this provision.

Section 54. The board shall have power to control and order the expenditure of all moneys received from the sale or use of water, electric energy, power, heat, fuel, gas, ice or other product, merchandise or service furnished by any public utility owned and operated by the city, and all moneys required to defray the expenses for the maintenance, repairs and operations of the same, and for any expense or additions to the same, and for supplying the city with any of such matters herein enumerated; provided, that the money shall be deposited in the treasury of the city to the credit of a fund to be known as the Public Utilities Fund, and shall be kept separate and apart from other moneys of the city, and shall only be drawn from said fund upon demands authenticated by the signatures of two of said board and the Secretary of said board, except that the Council at the time of fixing the general tax levy, may in its discretion by ordinance or resolution apportion and set apart out of the money then in said Public Utilities Fund in excess of Two Thousand Dollars (\$2,000.00) an amount sufficient to meet all sums coming due for interest or principal or for interest and principal upon any outstanding bonds issued by the city for a water system for the city before the next general tax levy; and the City Treasurer shall thereupon transfer the money so apportioned to the proper bond fund and shall use the money so apportioned to make the aforesaid payment and for no other purpose; and if there be a surplus remaining the same shall be forthwith retransferred to said Public Utilities Fund. Public utilities fund.

Section 55. All moneys received by the board from the collection of rates or otherwise, shall be paid over to the Treasurer of the city, daily, unless otherwise provided by ordinance, to the credit of the Public Utilities Fund. Payments to treasurer

Section 56. The board shall possess all the powers, and shall perform such other duties as may be necessary to carry out the powers and duties herein prescribed and shall make such rules and regulations for the care and use of the utilities under its control as it may deem advisable. Incidental powers.

FRANCHISES.

Section 57. The general power of the Council to grant franchises for the construction and operation of public utilities in the streets and public grounds of the City of Tulare shall be exercised as provided in this article, and not otherwise. Grant.

Section 58. No franchise shall be granted except by ordinance, specifying, the streets, or other public grounds to which the same may apply. Ordinance.

PUBLIC LIBRARY.

Section 59. The public library of the City of Tulare shall be maintained and managed in accordance with the provisions of the general laws of the state. Library.

THE BOARD OF EDUCATION.

Board of
education.

Section 60. The Board of Education shall consist of five persons to be elected by the people. The members of the present Board of Education shall continue to hold office for the unexpired balance of their terms and as such terms expire their successors shall be elected for a term of four years. In case of a vacancy from whatsoever cause occurring, the City Council shall appoint a successor for the unexpired balance of the term only. The taking effect of this charter shall not be construed as breaking the continuity of the existence of the Board of Education in office at the time it goes into effect, and such taking effect shall in no wise alter the status, salary, or tenure of any superintendent, principal, teacher, or other officer or employe of the board.

Powers
and duties.

Section 61. The Board of Education shall have entire control and management of the public schools in the city in accordance with the constitution and laws of the state, and it is hereby charged with all the duties provided by this charter and by the general laws of the state for city boards of education.

Said board shall determine the time and place for its meetings, and make rules for the conduct of its business. The Board of Education shall annually elect one of its members to be president. He shall have no other vote than his vote as a member of the board.

SUPERINTENDENT OF SCHOOLS.

Superin-
tendent of
schools.

Section 62. The Board of Education shall appoint a Superintendent of Schools and such deputies and assistants as it may deem necessary, and fix their compensation, which salaries shall not be changed during their term of office.

The superintendent may be appointed for a term not to exceed four years but he may be removed at any time for cause and after a full hearing by the affirmative votes of three members of the board.

The board may designate the superintendent, or a deputy or assistant to act as Clerk of the Board.

The Superintendent shall be an ex-officio member of the Board of Education but shall have no power to vote. He shall be the executive officer of the board and shall perform such duties as are required by the laws of the state and the orders of the board.

APPOINTMENT AND REMOVAL OF TEACHERS.

Teachers,
janitor, etc.

Section 63. The Board of Education shall elect all teachers, janitors and such other persons as may be necessary to carry into effect the powers and duties of the board, and to fix, allow and order paid their salaries or compensation, and to withhold, for good and sufficient cause, the whole or any part of the salary or wages of any person or persons employed as aforesaid.

There shall be an election of teachers each year, at such time as the board may determine, provided, however, that the election or appointment of all teachers, janitors, and other employees shall be had between the 1st day of June and the 10th day of June, in each year, and provided, further, that no election or appointment of any teacher, janitor or other employee shall constitute a contract either as to the duration of the office or as to the amount of salary or compensation to be paid, but the board shall always have the power to dismiss any or all teachers, janitors or other employees and to alter the amount of salary or compensation.

Section 64. All demands payable out of the School Fund must before they can be approved by the City Auditor, or paid, be previously approved by the Board of Education by a vote of at least three members thereof taken with the eyes and noses and spread upon the minutes, and the action of said board endorsed upon said demand and signed by the presiding officer and the clerk thereof. After the approval of said demands they shall be delivered to the City Auditor, who shall have the same powers and perform the same duties in reference to demand payable out of the School Fund as is provided for other demands; provided, however, that in case the City Auditor shall reject any demand, or if in his opinion said demand should be paid only in part, he shall return the same to the Board of Education instead of the Council.

Payment
of claims.

Section 65. The Board of Education shall not incur any indebtedness to make any expenditure for supplies, improvements, additions, or betterments in excess of the sum of Three Hundred Dollars (\$300.00) without first advertising for sealed proposals in the manner herein prescribed for proposals for public work and the contract shall be awarded by the Board of Education to the lowest responsible bidder, provided, however, that the board may reject any and all bids.

Bidding for
contracts.

Section 66. The Board of Education shall annually, on such date as the City Manager may fix, submit to the City Manager, a careful estimate of the whole amount of money to be received from the state and the county for the support of the school department, together with a careful estimate of the amounts, specifying in detail the object thereof, required from the city for the adequate support of such department for the ensuing year. The City Manager shall include these estimates in his estimate of revenues and expenditures. The City Council shall include in and apportion from the annual tax levy the sum of not less than fifteen cents on each one hundred dollars of assessed valuation, to be paid into the School Fund of the City.

Annual
budget and
tax levy.

ORDINANCES TO REMAIN IN EFFECT.

Section 67. All lawful ordinances of the City of Tulare, including resolutions and regulations of the several boards and commissions in force and effect at the time this charter

Ordinances,
etc., con-
tinued.

takes effect, and not inconsistent therewith, shall remain in force until duly amended or repealed.

GENERAL MISCELLANEOUS PROVISIONS.

Moneys to be paid into treasury Section 68. All fees, fines or other moneys collected by the Librarian, shall be paid into the city treasury at least once each week, and all money collected by the Superintendent of Parks and Playgrounds shall likewise be paid into such treasury at least once each week.

Count of money. Section 69. It shall be the duty of the Mayor, the City Clerk and the City Attorney to count the money in the city treasury at least once each month, and to see that the amount on hand tallies with the amount that should be in the fund as shown by the books of the City Clerk and City Treasurer.

Appointment of relatives. Section 70. No officer, board, or member of any board, of this city, shall recommend the appointment of, appoint, vote for or elect, to any office, position or employment, in any department of the city government, any person related by consanguinity or connected by marriage with such officer or such member, or with any member of such board. A breach of this section shall be cause for removal of any such officer, board or member of such board.

Office hours. Section 71. Except where otherwise provided for by law or this charter, all public offices shall be kept open for business every day except legal holidays from 8:00 o'clock in the forenoon until 5:00 o'clock in the afternoon, and all books and records of every officer and department shall be open to the inspection of any citizen at any time during business hours subject to the proper rules and regulations of the efficient conduct of the business of each department or office.

General laws applicable. Section 72. All general laws of the state applicable to municipal corporations, now or hereafter enacted, and which are not in conflict with the provisions of this charter or with ordinances or resolutions hereafter enacted, shall be applicable to the city.

Removal of appointees. Section 73. Unless otherwise provided by this charter, any officer or board authorized to appoint any deputy, clerk, assistant or employee, shall have the right to remove the person so appointed.

Continuance in office. Section 74. All officers and employees when this charter takes effect, shall continue to hold and exercise their respective offices or employment, under the terms of this charter until the election or appointment and qualification of their successors.

Influencing city manager. Section 75. No councilman shall in any manner attempt to influence the City Manager in the making of any appointment or in the purchase of supplies. A violation of this provision shall work a forfeiture of the office of the councilman.

Election activities. Section 76. Neither the City Manager, nor any person in the employ of the city shall take any active part in securing or contributing money toward the nomination or election of any candidate for a municipal office.

TAKING EFFECT OF CHARTER.

Section 77. If this charter be approved by the 1923 session of the state legislature, then for the purpose of nominating and electing candidates for Councilmen, City Auditor, Treasurer and Police Judge and for the exercise of the initiative, referendum and recall, this charter shall take effect from the time of its approval by said legislature. For all other purposes it shall take effect on the first day of May, 1923.

Charter to take effect.

If said charter should be approved at any subsequent session of the legislature, then in that event, this charter shall take effect immediately thereafter, and it shall be the duty of the officers in office at such time to at once call, conduct, hold and declare the result of election, as provided in this charter, for the election of five Councilmen, City Auditor, Treasurer, and Police Judge, who shall take office as soon as the result of such election is declared.

We, the undersigned, members of the Board of Fifteen Freeholders of the City of Tulare, County of Tulare, State of California, elected at a special election held in said city on the 16th day of November, 1921, to prepare and propose a charter for said city, under and in accordance with section eight of Article Eleven of the Constitution of this State, have prepared and we do hereby propose the foregoing as and for a charter for said city, to be voted on Tuesday, September 5th, 1922.

IN WITNESS WHEREOF, we have hereunto subscribed our names, in duplicate, this 18th day of May, 1922.

- D. T. FRYMIRE,
President of the Board of Freeholders.
- GRANVILLE T. PAXTON,
Secretary of the Board of Freeholders.
- J. H. FREW,
- P. D. NOWELL,
- W. E. DUNLAP,
- CALVIN L. RUSSELL,
- W. B. CARTMILL,
- G. W. ZARTMAN,
- H. C. EVANS,
- M. L. ASKIN,
- GEO. S. LEWIS,
- L. E. SCHOENEMANN,
- WM. H. JONES,
- G. C. BURNETT,
- R. E. ROUSAVILLE.

Filed May 19th, 1922.
C. W. COBB,
City Clerk, City of Tulare.

State of California, }
City of Tulare. } ss.

I, C. W. Cobb, City Clerk of and for the City of Tulare, hereby certify that the above and foregoing is a full, true and

Certificate.

correct copy of the proposed Charter for the City of Tulare, as prepared and proposed by a Board of Freeholders thereof and filed in the office of the City Clerk of said City, May 19, 1922.

In witness whereof, I have hereunto set my hand and have affixed the seal of said City, this 19th day of May, 1922.

[SEAL]

C. W. COBB,

City Clerk of the City of Tulare.

I, C. W. Cobb, City Clerk of, in and for the City of Tulare, hereby certify that the foregoing preamble constitutes a true statement of the proceedings therein stated, and that the above and foregoing is a full, true and correct copy of the proposed charter of the City of Tulare, as prepared and proposed by a board of fifteen freeholders thereof, and of the certificate of said board of freeholders thereto attached, and filed in the office of the City Clerk of said City on the 19th day of May, 1922.

IN WITNESS WHEREOF, I have hereunto set my hand and have affixed the seal of the City of Tulare, this 19th day of May, 1922.

[SEAL]

C. W. COBB,

City Clerk and Clerk of the City of Tulare.

Approval by
legislature.

WHEREAS, Said charter of the city of Tulare has been submitted to the legislature of the State of California for approval or rejection without alteration or amendment in accordance with section eight of article eleven of the constitution of the State of California; now, therefore, be it

Resolved by the assembly of the State of California, the senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said charter as presented to, adopted and ratified by the qualified electors of said city, and as herein above fully set forth, be and the same is hereby approved as a whole as and for the charter of the city of Tulare.

CHAPTER 15.

Assembly Joint Resolution No. 6—Relative to memorializing congress to adopt bill introduced by Hon. John E. Raker for the establishment of a Pacific Coast national highway system.

[Filed with Secretary of State February 3, 1923.]

Pacific coast
national
highway
system
endorsed.

WHEREAS, Hon. John E. Raker, member of congress from the State of California, has introduced a bill in the house of representatives for the establishment of a Pacific Coast national highway system; authorizing examination, survey and report to the War Department, as a preliminary to the improvement, construction and maintenance of a system of motor truck highways to meet the transportation requirements of

heavy commerce in time of peace and of heavy ordnance in time of war, and to serve as post roads, with proper and sufficient laterals, in the states of California, Oregon and Washington; and

WHEREAS, This bill is of vital interest to the State of California and, if adopted, will assist in the agricultural and commercial development of this state and the entire Pacific Coast in times of peace; and

WHEREAS, The system of highways provided for in this bill will be absolutely necessary to a proper defense of the Pacific Coast in times of war; and

WHEREAS, It is apparent that many of the world problems of the future will be decided on the Pacific Coast; now, therefore, be it

Resolved, That the legislature of the State of California, through its assembly and senate, memorializes the congress of the United States to adopt the aforesaid bill at the earliest possible date in order that the project shall suffer no delay; and, be it further

Resolved, That the speaker of the assembly be authorized to transmit copies of this resolution by telegraph, to the governors of the states of Washington and Oregon, with the request that similar action be taken by their respective legislatures; and, be it further

Resolved, That the speaker of the assembly be authorized to transmit copies of this resolution, by mail, to all the members of congress and the senate of the United States.

CHAPTER 16.

Senate Joint Resolution No. 4—Relative to the establishment of a forest experiment station in California.

[Filed with Secretary of State February 5, 1923.]

WHEREAS, There is now pending before the congress of the United States identical bills known as the California experiment station bills, S. B. 3031, H. R. 11249, which bills have for their object, the establishment of a forest experiment station in California in order:

Establishment of U. S. forest experiment station in California.

1. To carry out investigations to determine the relation of chaparral and forests to stream flow and erosion;

2. To carry out investigations in the reproduction and proper management of the forests of California;

3. To carry out investigations in reforesting the denuded forest lands of this state; and

WHEREAS, The forest service has abandoned two forest experiment stations in this state because of lack of funds; and

WHEREAS, Research work in forestry is necessary to maintain the forest lands of the state in a continuously productive condition; and

WHEREAS, The national government is the largest single timber landholder in California and as such should be inter-

sted in the maintenance of the lumber industry of this state; now, therefore, be it

Resolved by the assembly and senate, jointly, That the legislature of the State of California at its forty-fifth session urges upon the congress of the United States the adoption of the California experiment station bills and the imperative need for the immediate enactment of the same; and be it further

Resolved, That our senators and representatives in congress be and hereby are urged and requested to use every honorable means to accomplish this object; and be it further

Resolved, That copies of these resolutions be transmitted to the president of the senate and the speaker of the house of representatives of the United States, and to each of our senators and representatives in congress.

CHAPTER 17.

Assembly Joint Resolution No. 3—Relative to approving the Colorado river compact.

[Filed with Secretary of State February 9, 1923.]

Approval of
Colorado
river
compact.

WHEREAS, Pursuant to appropriate action of their respective legislatures the states of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming did heretofore appoint commissioners to negotiate and enter into a compact or agreement providing for an equitable distribution and apportionment among the said states of the waters of the Colorado river and of streams tributary thereto; and

WHEREAS, The congress of the United States did by an act approved August 19, 1921 (42 Statutes at Large, page 171) grant its consent to the making of such compact or agreement, upon condition that a suitable person, to be appointed by the president of the United States, should participate in said negotiations as the representative of and for the protection of the interests of the United States, and upon the further condition that any such compact or agreement shall not be binding or obligatory upon any of the parties thereto unless and until the same shall have been approved by the legislature of each of said states and by the congress of the United States; and

WHEREAS, The commissioners representing the said states, after negotiations participated in by Herbert Hoover appointed by the president as the representative of the United States, did, on the twenty-fourth day of November, 1922, at the city of Santa Fe, New Mexico, agree upon and sign a compact, which was then and there approved by the representative appointed by the president of the United States, and which is in the words and figures following, to wit:

COLORADO RIVER COMPACT

The States of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming, having resolved to enter into a compact under the Act of the Congress of the United States of America approved August 19, 1921 (42 Statutes at Large, Page 171) and the Acts of the Legislatures of the said States, have through their Governors appointed as their Commissioners:

W. S. Norviel	for the State of Arizona
W. F. McClure	for the State of California
Delph E. Carpenter	for the State of Colorado
J. G. Serugham	for the State of Nevada
Stephen B. Davis, Jr.	for the State of New Mexico
R. E. Caldwell	for the State of Utah
Frank C. Emerson	for the State of Wyoming

who, after negotiations participated in by Herbert Hoover appointed by The President as the representative of the United States of America, have agreed upon the following articles:

ARTICLE I

The major purposes of this compact are to provide for the equitable division and apportionment of the use of the waters of the Colorado River System; to establish the relative importance of different beneficial uses of water; to promote interstate comity; to remove causes of present and future controversies; and to secure the expeditious agricultural and industrial development of the Colorado River Basin, the storage of its waters and the protection of life and property from floods. To these ends the Colorado River Basin is divided into two Basins, and an apportionment of the use of part of the water of the Colorado River System is made to each of them with the provision that further equitable apportionments may be made.

ARTICLE II

As used in this compact:—

(a) The term "Colorado River System" means that portion of the Colorado River and its tributaries within the United States of America.

(b) The term "Colorado River Basin" means all of the drainage area of the Colorado River System and all other territory within the United States of America to which the waters of the Colorado River System shall be beneficially applied.

(c) The term "States of the Upper Division" means the States of Colorado, New Mexico, Utah and Wyoming.

(d) The term "States of the Lower Division" means the States of Arizona, California and Nevada.

(e) The term "Lee Ferry" means a point in the main stream of the Colorado River one mile below the mouth of the Paria River.

(f) The term "Upper Basin" means those parts of the States of Arizona, Colorado, New Mexico, Utah and Wyoming within and from which waters naturally drain into the Colorado River System above Lee Ferry, and also all parts of said States located without the drainage area of the Colorado River System which are now or shall hereafter be beneficially served by waters diverted from the System above Lee Ferry.

(g) The term "Lower Basin" means those parts of the States of Arizona, California, Nevada, New Mexico and Utah within and from which waters naturally drain into the Colorado River System below Lee Ferry, and also all parts of said States located without the drainage area of the Colorado River System which are now or shall hereafter be beneficially served by waters diverted from the System below Lee Ferry.

(h) The term "domestic use" shall include the use of water for household, stock, municipal, mining, milling, industrial and other like purposes, but shall exclude the generation of electrical power.

ARTICLE III

Apportionment of water.

(a) There is hereby apportioned from the Colorado River System in perpetuity to the Upper Basin and to the Lower Basin respectively the exclusive beneficial consumptive use of 7,500,000 acre feet of water per annum, which shall include all water necessary for the supply of any rights which may now exist.

(b) In addition to the apportionment in paragraph (a), the Lower Basin is hereby given the right to increase its beneficial consumptive use of such waters by one million acre feet per annum.

(c) If, as a matter of international comity, the United States of America shall hereafter recognize in the United States of Mexico any right to the use of any waters of the Colorado River System, such waters shall be supplied first from the waters which are surplus over and above the aggregate of the quantities specified in paragraphs (a) and (b); and if such surplus shall prove insufficient for this purpose, then, the burden of such deficiency shall be equally borne by the Upper Basin and the Lower Basin, and whenever necessary the States of the Upper Division shall deliver at Lee Ferry water to supply one-half of the deficiency so recognized in addition to that provided in paragraph (d).

(d) The States of the Upper Division will not cause the flow of the river at Lee Ferry to be depleted below an aggregate of 75,000,000 acre feet for any period of ten consecutive years reckoned in continuing progressive series beginning with the first day of October next succeeding the ratification of this compact.

(e) The States of the Upper Division shall not withhold water, and the States of the Lower Division shall not require the delivery of water, which cannot reasonably be applied to domestic and agricultural uses.

(f) Further equitable apportionment of the beneficial uses of the waters of the Colorado River System unapportioned by paragraphs (a), (b) and (c) may be made in the manner provided in paragraph (g) at any time after October first, 1963, if and when either Basin shall have reached its total beneficial consumptive use as set out in paragraphs (a) and (b).

(g) In the event of a desire for a further apportionment as provided in paragraph (f) any two signatory States, acting through their Governors, may give joint notice of such desire to the Governors of the other signatory States and to The President of the United States of America, and it shall be the duty of the Governors of the signatory States and of The President of the United States of America forthwith to appoint representatives, whose duty it shall be to divide and apportion equitably between the Upper Basin and Lower Basin the beneficial use of the unapportioned water of the Colorado River System as mentioned in paragraph (f), subject to the legislative ratification of the signatory States and the Congress of the United States of America.

ARTICLE IV

(a) Inasmuch as the Colorado River has ceased to be navigable for commerce and the reservation of its waters for navigation would seriously limit the development of its Basin, the use of its waters for purposes of navigation shall be subservient to the uses of such waters for domestic, agricultural and power purposes. If the Congress shall not consent to this paragraph, the other provisions of this compact shall nevertheless remain binding. Navigation
of river.

(b) Subject to the provisions of this compact, water of the Colorado River System may be impounded and used for the generation of electrical power, but such impounding and use shall be subservient to the use and consumption of such water for agricultural and domestic purposes and shall not interfere with or prevent use for such dominant purposes. Power
projects.

(c) The provisions of this article shall not apply to or interfere with the regulation and control by any State within its boundaries of the appropriation, use and distribution of water. Local control
of water.

ARTICLE V

The chief official of each signatory State charged with the administration of water rights, together with the Director of the United States Reclamation Service and the Director of the United States Geological Survey shall cooperate, ex-officio: Cooperation.

(a) To promote the systematic determination and coordination of the facts as to flow, appropriation, consumption and use of water in the Colorado River Basin, and the interchange of available information in such matters.

(b) To secure the ascertainment and publication of the annual flow of the Colorado River at Lee Ferry.

(c) To perform such other duties as may be assigned by mutual consent of the signatories from time to time.

ARTICLE VI

Adjustment
of claims and
controversies.

Should any claim or controversy arise between any two or more of the signatory States: (a) with respect to the waters of the Colorado River System not covered by the terms of this compact; (b) over the meaning or performance of any of the terms of this compact; (c) as to the allocation of the burdens incident to the performance of any article of this compact or the delivery of waters as herein provided; (d) as to the construction or operation of works within the Colorado River Basin to be situated in two or more States, or to be constructed in one State for the benefit of another State; or (e) as to the diversion of water in one State for the benefit of another State; the Governors of the States affected, upon the request of one of them, shall forthwith appoint Commissioners with power to consider and adjust such claim or controversy, subject to ratification by the Legislatures of the States so affected.

Nothing herein contained shall prevent the adjustment of any such claim or controversy by any present method or by direct future legislative action of the interested States.

ARTICLE VII

Indians'
rights.

Nothing in this compact shall be construed as affecting the obligations of the United States of America to Indian tribes.

ARTICLE VIII

Rights to
beneficial
use of
waters.

Present perfected rights to the beneficial use of waters of the Colorado River System are unimpaired by this compact. Whenever storage capacity of 5,000,000 acre feet shall have been provided on the main Colorado River within or for the benefit of the Lower Basin, then claims of such rights, if any, by appropriators or users of water in the Lower Basin against appropriators or users of water in the Upper Basin shall attach to and be satisfied from water that may be stored not in conflict with Article III.

All other rights to beneficial use of waters of the Colorado River System shall be satisfied solely from the water apportioned to that Basin in which they are situate.

ARTICLE IX

Actions
by states

Nothing in this compact shall be construed to limit or prevent any State from instituting or maintaining any action or proceeding, legal or equitable, for the protection of any right under this compact or the enforcement of any of its provisions.

ARTICLE X

Termination
of compact.

This compact may be terminated at any time by the unanimous agreement of the signatory States. In the event of such termination all rights established under it shall continue unimpaired.

ARTICLE XI

This compact shall become binding and obligatory when it shall have been approved by the Legislatures of each of the signatory States and by the Congress of the United States. Notice of approval by the Legislatures shall be given by the Governor of each signatory State to the Governors of the other signatory States and to the President of the United States, and the President of the United States is requested to give notice to the Governors of the signatory States of approval by the Congress of the United States.

When binding

IN WITNESS WHEREOF, the Commissioners have signed this compact in a single original, which shall be deposited in the archives of the Department of State of the United States of America and of which a duly certified copy shall be forwarded to the Governor of each of the signatory States.

DONE at the City of Santa Fe, New Mexico, this twenty-fourth day of November, A. D. One Thousand Nine Hundred and Twenty-two.

(Signed) W. S. Norviel
 (Signed) W. F. McClure
 (Signed) Delph E. Carpenter
 (Signed) J. G. Serughan
 (Signed) Stephen B. Davis, Jr.
 (Signed) R. E. Caldwell
 (Signed) Frank C. Emerson

APPROVED:

(Signed) Herbert Hoover.
 Now, therefore, be it

Resolved by the assembly and the senate of the legislature of the State of California, jointly, at its forty-fifth session, commencing on the eighth day of January, 1923, a majority of all the members elected to each house of said legislature voting in favor thereof, That the said Colorado river compact be and the same is hereby approved by the legislature of the State of California; and

Approval by legislature.

Be it further resolved, That the governor of California be and he is hereby authorized and requested to give notice of the foregoing approval to the governor of each of the other signatory states and to the president of the United States.

CHAPTER 18.

Assembly Concurrent Resolution No. 6—Relative to investigation of Norwalk State Hospital property for oil purposes.

[Filed with Secretary of State February 9, 1923.]

WHEREAS, The property now occupied by the state hospital at Norwalk has become and is conceded to be practically proven oil territory by reason of oil development in what is known as the Santa Fe springs oil district in Los Angeles county, California; and

Oil development on Norwalk state hospital property.

WHEREAS, All of said property may be much more valuable for oil development than for hospital purposes; and

WHEREAS, It may be advisable to sell, lease or develop said property for oil purposes; and

WHEREAS, It may also be advisable to remove or establish said hospital on some other site in Los Angeles county; and

WHEREAS, The legislature will undoubtedly be called upon to take some action in regard to the aforesaid property; now therefore,

Be it resolved by the assembly, the senate concurring, That a committee be appointed consisting of three members, two to be appointed by the speaker of the assembly and one by the president of the senate, and the speaker of the assembly and the president pro tempore of the senate shall be ex officio members of said committee, which committee shall investigate the matters set forth in this resolution and report back and furnish recommendations to the assembly and senate immediately upon reconvening after the constitutional recess as to any appropriate legislative action relating to the matters contained herein, and such matters as may appertain thereto; and be it further

Resolved, That said committee shall serve without compensation, but all the necessary expenses of said committee in making said investigation, not exceeding the sum of two hundred fifty dollars shall be paid equally from the contingent funds of the assembly and senate.

CHAPTER 19.

Assembly Concurrent Resolution No. 5—Relative to the adjournment of the legislature for the constitutional recess and to the reassembling of the legislature after said recess and fixing the date for said adjournment and said reassembling.

[Filed with Secretary of State February 9, 1923.]

Adjournment
for constitu-
tional recess.

WHEREAS, Section two of article four of the constitution of the State of California requires that, after the legislature has been in session for a period not exceeding thirty days, a recess must be taken by both houses for a period of not less than thirty days; therefore, be it

Resolved by the assembly, the senate concurring, That the forty-fifth session of the legislature of the State of California shall adjourn for said recess at twelve o'clock noon on Friday, February 2, 1923, and shall reassemble at the hour of twelve o'clock noon on Monday, March 5, 1923.

CHAPTER 20.

Assembly Concurrent Resolution No. 7—Relative to amendments to the charter of the city of Berkeley, after due ratification by the qualified electors of said city at a city election properly held.

[Filed with Secretary of State February 9, 1923.]

WHEREAS, The city of Berkeley, State of California, contains a population of over fifty-six thousand inhabitants, and has been ever since the first day of July, 1909, and is now organized and acting under a freeholders' charter adopted under and by virtue of section eight of article eleven of the constitution of the State of California, and which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the thirtieth day of January 1909, and approved by the legislature of the State of California, on the fourth day of March, 1909 (Statutes of 1909, page 1208); and

Berkeley
city charter
amendments.

WHEREAS, The legislative authority of said city, namely, the council thereof, duly proposed to the qualified electors of the city of Berkeley, five certain amendments to the charter of said city by the submission of five proposals, entitled as follows, to wit:

CHARTER AMENDMENT NO. 1.

Describing and setting forth a proposal to the qualified electors of the city of Berkeley, County of Alameda, State of California, to amend the charter of said city by amending sections 8, 14, 15, 17, 18, 19 and 20 of article V, sections 21 and 24 of article VI, sections 27, 28, 30, 31, 32, 33, 34 and 35 of article VII, sub-section 3 of section 44 of article VIII, sub-section 44 of section 49 of article IX, sections 52, 53, 54, 55 and 61 of article X and section 93 of article XIV, of the charter of the city of Berkeley, California, repealing sections 23, 25 and 26 of article VI, section 29 of article VII, section 45 of article VIII and adding to article XVI a new section to be numbered 116, so as to introduce the city manager form of government, said amendment relating to the City Council and the officers of the city of Berkeley and their powers, duties, salaries and terms of office.

CHARTER AMENDMENT NO. 2.

Describing and setting forth a proposal to the qualified electors of the city of Berkeley, County of Alameda, State of California, to amend the charter of said city by amending section 68 of article XI of the charter of the city of Berkeley, California, so as to introduce competition in bidding for official advertising of any newspaper of general circulation and to provide an alternative therefor.

CHARTER AMENDMENT NO. 3.

Describing and setting forth a proposal to the qualified electors of the city of Berkeley, County of Alameda, State of

Berkeley
city charter
amendments.

California, to amend the charter of said city by amending subsection 9 of section 47 of article IX of the charter of the city of Berkeley, California, so as to require the approval of a majority of the electors on an addition to the tax levy for any permanent improvement.

CHARTER AMENDMENT NO. 4.

Describing and setting forth a proposal to the qualified electors of the city of Berkeley, County of Alameda, State of California, to amend the charter of said city by amending section 4; and subsections 1 and 14 of section 5; and subsection 1 of section 6 of article III thereof and adding a new section thereto to be known as section 5½ of article III thereof, and repealing subsections 21, 22, 23 and 24 of section 5 of article III thereof, so as to introduce the preferential system of voting, and to provide for only one general election; said amendment relating to the form of voting and the rules and regulations governing the same.

CHARTER AMENDMENT NO. 5.

Describing and setting forth a proposal to the qualified electors of the city of Berkeley, County of Alameda, State of California, to amend the charter of said city by amending section 57 of article X thereof, so as to set the limit of tax levy at one dollar and twenty-five cents (\$1.25).
and

WHEREAS, Said five proposals above mentioned containing said proposed amendments to said charter were, in accordance with the provisions of section eight of article eleven of the constitution of the State of California, published for one day after their passage in the "Berkeley Daily Gazette," a daily newspaper of general circulation published in said city of Berkeley, and the official newspaper of said city; and

WHEREAS, Copies of said proposals containing said proposed amendments were printed in convenient pamphlet form, and until the date fixed for the election hereinafter described and as required by law, an advertisement was published in said "Berkeley Daily Gazette," that such copies could be had upon application therefor at the office of the city clerk; and

WHEREAS, Such copies could be had upon application therefor at the office of the city clerk until the date fixed for the election hereinafter described; and

WHEREAS, The legislative body of said city by its resolution No. 12,216-N. S. adopted on the fifth day of December, 1922, did order the holding of a special municipal election in said city of Berkeley, on the twentieth day of January, 1923, said day being at least forty days after the completion of publication of said proposed amendments for one day in said official paper of said city of Berkeley, to wit, the "Berkeley Daily Gazette," and not more than sixty days after the completion of said publication, and did provide in said resolution for the submission of the proposed charter amendments numbers one,

two, three, four and five, to the qualified electors of said city for their ratification at said election; and

WHEREAS, Said election was duly called and held on said twentieth day of January, 1923, and at said election a majority of the qualified electors voting thereon voted in favor of the ratification of, and did ratify three of the proposed amendments to said charter, to wit, charter amendment numbers one, two and four; and

WHEREAS, The returns of said election were in accordance with the law in such cases made and provided, duly and regularly canvassed and certified to, and it was duly found and determined and declared by the proper officers thereunto duly and properly authorized that a majority of the qualified electors of said city voting thereon had voted for and ratified three of the said proposed amendments to said charter, to wit, charter amendments number one, two and four; and

WHEREAS, Said amendments to the charter so ratified by a majority of the qualified electors of said city voting at said election, to wit, charter amendments numbers one, two and four, are in words and figures following, to wit:

CHARTER AMENDMENT NO. 1.

DESCRIBING AND SETTING FORTH A PROPOSAL TO THE QUALIFIED ELECTORS OF THE CITY OF BERKELEY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, TO AMEND THE CHARTER OF SAID CITY BY AMENDING SECTIONS 8, 14, 15, 17, 18, 19 AND 20 OF ARTICLE V, SECTIONS 21 AND 24 OF ARTICLE VI, SECTIONS 27, 28, 30, 31, 32, 33, 34 AND 35 OF ARTICLE VII, SUBSECTION 3 OF SECTION 44 OF ARTICLE VIII, SUBSECTION 44 OF SECTION 49 OF ARTICLE IX, SECTIONS 52, 53, 54, 55 AND 61 OF ARTICLE X AND SECTION 93 OF ARTICLE XIV, OF THE CHARTER OF THE CITY OF BERKELEY, CALIFORNIA, REPEALING SECTIONS 23, 25 AND 26 OF ARTICLE VI, SECTION 29 OF ARTICLE VII, SECTION 45 OF ARTICLE VIII AND ADDING TO ARTICLE XVI A NEW SECTION TO BE NUMBERED 116, SO AS TO INTRODUCE THE CITY MANAGER FORM OF GOVERNMENT, SAID AMENDMENT RELATING TO THE CITY COUNCIL AND THE OFFICERS OF THE CITY OF BERKELEY AND THEIR POWERS, DUTIES, SALARIES AND TERMS OF OFFICE.

That Section 8 of Article V of the Charter of the City of Berkeley, California, be amended to read as follows:

The Elective Officers.

Sec. 8. The elective officers of the City shall be a Mayor, ^{Elective} an Auditor, eight Councilmen and four School Directors. ^{officers.}

The Council shall consist of the Mayor and eight Councilmen, each of whom, including the Mayor, shall have the right to vote on all questions coming before the Council.

The Board of Education shall consist of four School Directors and the Mayor, each of whom, including the Mayor, shall have the right to vote on all questions coming before the Board.

That Section 14 of Article V of the Charter of the City of Berkeley, California, be amended to read as follows:

Mayor's and Auditor's Term of Office.

Terms of
mayor and
auditor.

Sec. 14. The Mayor and Auditor shall each hold office for a term of four years from and after the first day of July after his election and until his successor is elected and qualified.

That Section 15 of Article V of the Charter of the City of Berkeley, California, be amended to read as follows:

Councilmen's Term of Office.

Terms of
councilmen.

Sec. 15. The Councilmen shall hold office for a term of four years from and after the first day of July after their election and until their successors are elected and qualified. Provided, that the Councilmen first elected after the adoption of this amendment shall, at their first meeting, so classify themselves by lot that four of them shall hold office for two years and four of them for four years.

At each general municipal election after the first election held after the adoption of this amendment, there shall be elected four Councilmen.

That Section 17 of Article V of the Charter of the City of Berkeley, California, be amended to read as follows:

Official Bonds.

Official
bonds.

Sec. 17. The Mayor, the Auditor, each Councilman, the City Manager, and each School Director shall, before entering upon the duties of his office, give and execute to the City a bond with a surety company as sole surety, the Auditor in the penal sum of \$10,000.00, the Mayor, each Councilman and each School Director in the penal sum of \$2,000.00.

Every bond shall contain the condition that the principal will well, truly, honestly and faithfully perform the duties of his office. The bond of the Mayor must be approved by the Council, and the bonds of the Auditor and the several Councilmen and School Directors must be approved by the Mayor.

The Council shall fix the amount of bonds and the methods of their approval, to be required of appointive officers, including the City Manager.

The approval of the official bonds must be endorsed thereon and signed by the officer or officers approving the same. All bonds, when approved shall be filed with the City Clerk. All the provisions of any law of this State, relating to official bonds not inconsistent with this charter, shall be complied with.

That Section 18 of Article V of the Charter of the City of Berkeley, California, be amended to read as follows:

Oath of Office.

Oath of
office.

Sec. 18. Every officer of the City, including the City Manager, before entering upon the duties of his office, shall

take the oath of office as provided for in the Constitution of this State, and shall file the same with the City Clerk.

That Section 19 of Article V of the Charter of the City of Berkeley, California, be amended to read as follows:

Salaries.

Sec. 19. The Councilmen shall each receive a fee of five dollars for each meeting of the Council which he shall attend; and the Mayor shall receive a fee of ten dollars for each meeting of the Council which he shall attend; provided, that neither a Councilman nor the Mayor shall receive such fees for more than four meetings in any one calendar month. Councilmen.

The Auditor shall receive an annual salary of \$3,000 payable in equal monthly installments. Auditor.

Each School Director shall receive a fee of five dollars for each regular meeting of the Board of Education which he shall attend; provided that no School Director shall receive more than fifteen dollars in any one month, and provided further that the fees received by the Mayor, as hereinabove provided, shall be full compensation for all services performed by him as Mayor and as School Director. School directors.

All salaries and fees provided for in this section shall be paid out of the General Fund of the City.

That Section 20 of Article V of the Charter of the City of Berkeley, California, be amended to read as follows:

Administering Oaths, Subpoenae.

Sec. 20. Every elective officer, every chief official, the City Manager, and every member of any board of commission provided for in this charter, shall have the power to administer oaths and affirmations, and every such officer, board or commission shall have the power to issue subpoenae, to compel by subpoena the production of books, papers and documents, and to take and hear testimony concerning any matter or thing pending before such officer, board or commission. If any person so subpoenaed neglect or refuse to appear or to produce any book, paper or document as required by such subpoena, or shall refuse to testify before any such officer, board of commission or to answer any question which any officer or a majority of such board or commission shall decide to be proper and pertinent, he shall be deemed in contempt, and any such officer, board or commission shall have power to take the proceedings in the behalf provided by the general laws of this State. The Chief of Police must, on request of such officer, or of any member of such board or commission, detail a police officer or police officers to serve such subpoena. Administering oaths, issuing subpoenae, etc.

That Section 21 of Article VI of the Charter of the City of Berkeley, California, be amended to read as follows:

The Mayor's Powers.

Sec. 21. The Mayor shall be the chairman of the Council, and shall preside at the meetings of the Council and perform such other duties consistent with his office as may be imposed Mayor's powers.

by the Council. He shall be entitled to a vote on all matters coming before the Council, but shall possess no veto power. He shall be recognized as the official head of the City for all ceremonial purposes, by the courts for the purposes of serving civil processes, and by the Governor for military purpose. He may use the title of Mayor in any case in which the execution of contracts or other legal instruments in writing, or other necessity arising from the general laws of this State, may so require; but this shall not be construed as conferring upon him administrative or judicial functions or other powers or functions of a Mayor, under the general laws of the State. The powers and duties of the Mayor shall be such as are conferred upon him by this amendment, together with such others as may be conferred by the Council in the pursuance of the provisions of this amendment, and no others.

That Section 24 of Article VI of the Charter of the City of Berkeley, California, be amended to read as follows:

Mayor to Have City's Books Examined.

Semiannual
examination
of financial
records.

Sec. 24. The Mayor shall employ, for a stipulated compensation, at the beginning of each fiscal year, a certified public accountant, who shall examine, at least twice a year, the books, records and reports of the Auditor and of all officers and employees who receive or disburse City moneys, and the books, records and reports of such other officers and departments as the Mayor may direct, and make quadruplicate reports thereof and present one each to the Mayor, Auditor and City Manager and file one with the City Clerk. Such accountant shall have unlimited privilege of investigation, to examine under oath or otherwise all officers, clerks and employees of the City, and every such officer, clerk and employee shall give all required assistance and information to such accountant, and submit to him for examination such books and papers of his office as may be requested, and failure to do so shall be deemed and held to be a forfeiture and abandonment of his office. The Council shall provide for the payment of the services of such accountant.

That Section 27 of Article VII of the Charter of the City of Berkeley, California, be amended to read as follows:

The City Manager.

City
manager.

Sec. 27. The Council shall appoint an officer, who shall be known as the City Manager, who shall be the administrative head of the Municipal Government and who shall be responsible for the efficient administration of all departments. He shall receive such salary as may be fixed by the Council; provided, however, that said salary shall not exceed the sum of \$10,000 per annum. He shall be chosen by the Council without regard to his political beliefs, and solely on the basis of his executive and administrative qualifications.

He shall be appointed for an indefinite period. He cannot be removed from office except by a vote of six members of the Council. He shall serve at the will of the Council, and in case

of his removal he may demand written charges and a public hearing thereon before the Council, prior to the date upon which his final removal is to take place; but the decision and action of the Council upon such hearing shall be final, and pending such hearing the Council may suspend him from duty.

During the absence or disability of the City Manager, the Council shall designate some properly qualified person to perform his duties. Whenever a vacancy occurs in this office, the Council shall immediately proceed to elect a City Manager.

That Section 28 of Article VII of the Charter of the City of Berkeley, California, be amended to read as follows:

Powers and Duties of City Manager.

Section 28. The City Manager shall be responsible to the Council for the efficient administration of all the affairs of the City. He shall have the power, and it shall be his duty:

City
manager's
powers
and duties.

(a) To see that all laws and ordinances are duly enforced, and he is hereby declared to be beneficially interested in their enforcement and to have the power to sue in the proper court to enforce them.

(b) Except as other wise provided in this charter, to appoint, discipline or remove all heads or directors of departments, chief officials and all subordinate officers and employees of the City, subject to the Civil Service provision of this charter. Neither the Council nor any of its committees or members shall dictate or attempt to dictate, either directly or indirectly, the appointment of any person to office or employment by the City Manager or in any manner interfere with the City Manager or prevent him from exercising his own judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager, and neither the Council nor any member thereof shall give orders to any of the subordinates of the City Manager, either publicly or privately.

(c) To exercise control over all departments, divisions and bureaus of the City Government and over all the appointive officers and employees thereof.

(d) Except when the Council is considering his removal, to attend all regular meetings of the Council and its committees, with the right to take part in discussions, but without power to vote. He shall receive notice of all special meetings.

(e) To recommend to the Council for adoption such measures and ordinances as he may deem necessary or expedient.

(f) To make investigations into the affairs of the City, or any department or division thereof, or any contract, or the proper performance of any obligation running to the City.

(g) To prepare and submit to the Council the annual budget.

(h) To keep the Council at all times fully advised as to the financial condition and needs of the City.

(i) To submit to the Council, at each meeting, for its approval, a list of all claims and bills approved for payment by him.

(j) To devote his entire time to the duties and interests of the City.

(k) To perform such other duties as may be prescribed by this charter or be required by ordinance or resolution of the Council.

He shall be charged with the general supervision of all public utility companies insofar as they are subject to municipal control; he shall keep himself fully informed as to their compliance in all respects with the law, and he shall see that all franchises granted by the City are faithfully observed. He shall cause to be instituted such actions or proceedings as may be necessary to prosecute public utility companies for violations of law, and revoke, cancel or annul all franchises that may have been granted by the City to any person, firm or corporation, which have become forfeitable in whole or in part, or which for any reason are illegal and void and not binding upon the City. The City Attorney, on demand of the City Manager, must institute and prosecute the necessary actions to enforce the provisions of this sub-section.

That Section 30 of Article VII of the Charter of the City of Berkeley, California, be amended to read as follows:

The Chief Officials.

Chief
officials.

Sec. 30. The Chief Officials of the City shall be City Clerk, Assessor, Treasurer, Collector, Attorney, Engineer, Chief of Police, Fire Chief, Street Superintendent, Health Officer and five Library Trustees.

The five Library Trustees shall be appointed and may be removed by a majority vote of the Council, and one of such trustees must be appointed by the Council from its own members.

The Board of Library Trustees shall have power to manage the library and to appoint, discipline and dismiss all officers and employees of the library.

The City Manager at any time when in his judgment the interests of the City so demand, may consolidate and place in charge of one such officer, the functions and duties of two or more such officers. The Council shall by ordinance prescribe the duties of all the chief officials.

That Section 31 of Article VII of the Charter of the City of Berkeley, California, be amended to read as follows:

Subordinate Officers and Employees.

Subordi-
nates.

Sec. 31. The Council shall have power by ordinance to create and discontinue departments, bureaus, offices, deputyships, assistantships and employments other than those prescribed in this charter, and to prescribe the duties pertaining thereto.

That Section 32 of Article VII of the Charter of the City of Berkeley, California, be amended to read as follows:

Compensation of Officers and Employees.

Sec. 32. The compensation of all city officers provided for by Section 30 of this charter, except Library Trustees, who shall receive no remuneration, shall be by salary to be fixed by the Council on the recommendation of the City Manager. The Council shall also fix the compensation of all other officers and employees on recommendation of the City Manager, except as in this charter otherwise provided. No officer or employee shall be allowed any fees, perquisites, emoluments, rewards or compensation, aside from the salary or compensation as fixed by the Council, but all fees received by him in connection with his official duties shall be paid by him into the City Treasury.

Compensation of officers and employees.

That Section 33 of Article VII of the Charter of the City of Berkeley, California, be amended to read as follows:

Reports of Departments.

Sec. 33. Each department and commission shall annually on such date as may be fixed by the Council, render to the City Manager a full report of all operations of such department or commission for the year.

Reports.

That Section 34 of Article VII of the Charter of the City of Berkeley, California, be amended to read as follows:

Reports to be Published.

Sec. 34. The Council shall provide for the publication of the annual report of the City Manager.

Publication.

That Section 35 of Article VII of the Charter of the City of Berkeley, California, be amended to read as follows:

Councilmen to Hold no Other Office.

Sec. 35. No member of the Council shall hold any other municipal office or hold any office or employment the compensation of which is paid out of the municipal moneys except as otherwise provided in this charter; or be elected or appointed to any office created or the compensation of which is increased by the Council while he was a member thereof.

Councilmen to hold no other office.

That Subsection 3 of Section 44 of Article VIII of the Charter of the City of Berkeley, California, be amended to read as follows:—

Majority Vote of Council.

(3) No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least five members of the Council.

Majority vote.

That Subsection 44 of Section 49 of Article IX of the Charter of the City of Berkeley, California, be amended to read as follows:—

Street Openings.

(4) To order the opening, extending, widening, straightening or closing of any street, lane, alley, court or public place within the City or over tide lands and lands covered by the waters of San Francisco Bay within the City, and to con-

Opening, etc., of streets.

demn and acquire any and all property necessary and convenient for that purpose.

Whenever, in the judgment of the Council or of the people, the cost and expense of any of the foregoing improvements is to be paid by a special assessment on private property, the general laws of the State of California in force at the time of the improvement shall govern and control and all proceedings shall be in conformity thereto, except that all the duties of the commissioners shall be performed by the City Engineer, and all clerical work shall be performed by the Superintendent of Street, who shall receive no compensation therefor other than the salaries of their respective offices.

That Section 52 of Article X of the Charter of the City of Berkeley, California, be amended to read as follows:—

Department Estimates of Annual Requirements.

Annual
financial
estimates.

Sec. 52. On or before the first Monday in April in each year, or on such date in each year as shall be fixed by the Council, the heads of departments, offices, boards and commissions, shall send to the City Manager a careful estimate, in writing, of the amounts, specifying in detail the objects thereof, required for the business and proper conduct of their respective departments, offices, boards and commissions, during the next ensuing fiscal year.

That Section 53 of Article X of the Charter of the City of Berkeley, California, be amended to read as follows:—

Annual Estimate of City's Requirements and Revenue.

Tentative
budget.

Sec. 53. On or before the first Monday in May in each year, or on such date in each year as shall be fixed by the Council, the City Manager shall submit to the Council a tentative budget which shall contain an estimate of the probable expenditures of the City Government for the next ensuing fiscal year, stating the amount required to meet the interest and sinking funds for the outstanding funded indebtedness of the City, and the wants of all the departments of the municipal government in detail, and showing specifically the amount necessary to be provided for each fund and department; also an estimate of the amount of income from fines, licenses and other sources of revenue, exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation.

That Section 54 of Article X of the Charter of the City of Berkeley, California, be amended to read as follows:—

Annual Budget.

Final
budget.

Sec. 54. The Council shall meet annually prior to fixing the tax levy, and after considering the tentative budget submitted by the City Manager shall make a final budget of the estimated amounts required to pay the expenses of conducting the business of the City Government for the next ensuing fiscal year. The final budget shall be prepared in such detail

as to the aggregate sum and the items thereof allowed to each department, office, board or commission, as the Council may deem advisable. The Council may also provide, in the final budget, an emergency fund in such amount as it may deem advisable, which said fund shall not be allotted to any particular department office, board or commission except as hereinafter provided.

And the Council at the same time shall pass an annual appropriation ordinance, which shall be based upon the budget submitted by the City Manager, and made up as herein provided. The total amount of appropriations shall not exceed the estimated revenues of the City. Appropriation ordinance.

Before the annual appropriation ordinance has been passed, the Council may make temporary appropriations for current department expenses, chargeable to the appropriations of the year when passed, to an amount sufficient to cover the necessary expenses of the various departments until the annual appropriation is in force. No other liabilities shall be incurred by any officer or employee of the City except in accordance with the provisions of the annual appropriations ordinance, or under continuing contracts and loans authorized under the provisions of this charter. Temporary appropriations.

At any meeting after the passage of the appropriation ordinance, the Council by a vote of six of its members may amend such ordinance, so as to authorize the transfer of unused balances appropriated for any purpose, including the emergency fund, to another purpose, or to appropriate available revenues not included in the annual budget. Transfer.

That Section 55 of Article X of the Charter of the City of Berkeley, California, be amended to read as follows:—

Board of Equalization.

Sec. 55. Each year the Council shall appoint three of its members who shall act as a Board of Equalization, which Board shall meet on the second and third Mondays in August at 11 o'clock in the forenoon, and on such other days during said month as may be necessary or desirable, for the purpose of equalizing assessments. Said Board of Equalization shall have power to hear complaints and to correct, modify, strike out, lower or raise any assessment, provided, that at least one day's notice shall be given to the party whose assessment is to be changed. The City Clerk shall act as secretary of such Board and it shall be the duty of such secretary to keep permanent records of all proceedings, and to enter therein all resolutions and decisions of the Board. Board of equalization.

That Section 61 of Article X of the Charter of the City of Berkeley, California, be amended to read as follows:—

Duties of the Auditor.

Sec. 61. Payment by the City, excepting redemption of bonds and interest coupons, shall be made only upon vouchers certified by the head of the appropriate department and approved by the City Manager, and by means of warrants on Payment of claims and demands.

the City Treasury, issued by the Auditor and countersigned by the City Manager. The Auditor shall examine all payrolls, bills and other claims and demands against the City, and shall issue no warrant for payment unless he finds the claim is in proper form, correctly computed and duly certified; that it is justly and legally due and payable; that a budget appropriation has been made therefor which has not been exhausted, or that the payment has been otherwise legally authorized; and that there is money in the City Treasury to make payment. He may require any claimant to make oath as to the validity of the claim. He may investigate any claim, and for such purpose may examine witnesses under oath; and if he finds it fraudulent, erroneous or otherwise invalid, he shall not issue a warrant therefor. No suit shall be brought on any claim for money against the City or any officer, board or commission of the City until a demand for the same has been presented and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Nor shall suit be brought against the City or any officer, board or commission thereof upon any claim or demand which has been approved and audited; provided, that nothing herein shall be construed so as to deprive the holder of any demand of his right to resort to writ of mandamus or other proceeding against the City Council or any officer, board or commission to compel him or it to act upon such claim or demand, or to pay the same when audited.

Suits to
compel
payment.

That Section 93 of Article XIV of the Charter of the City of Berkeley, California, be amended to read as follows:

THE REFERENDUM.

Mode of Protesting Against Ordinances.

Referending
ordinances.

Sec. 93. No ordinance passed by the Council shall go into effect before thirty days from the time of its final passage except when otherwise required by the general laws of the State or by the provisions of this Charter respecting street improvements, and except the ordinance making the annual tax levy, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by a seven-ninths ($\frac{7}{9}$) vote of the Council: provided, that no grant of any franchise shall be construed to be an urgency measure, but all franchises shall be subject to the referendum vote herein provided. If during said thirty days a petition signed by qualified electors of the City equal in number to at least ten per centum of the entire vote cast for all candidates for Mayor at the last preceding general municipal election at which a Mayor was elected, protesting against the passage of such ordinance, be presented to the Council, the same shall thereupon be suspended from going into operation and it shall be the duty of the Council to reconsider such ordinance, and if the same be not entirely repealed, the Council shall submit the ordinance, as is provided in Article XIII of this Charter, to the vote of

the electors of the City, either at the next general municipal election or at a special election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. The provisions of Section 5 of Article III respecting the forms and conditions of the petition and the mode of verification and certification and filing shall be substantially followed, with such modifications as the nature of the case requires.

That Sections 23, 25 and 26 of Article VI, Section 29 of Article VII, and Section 45 of Article VIII, and all portions of said Charter in conflict with the foregoing provisions be and the same are hereby repealed.

That a new section be added to Article XVI of the Charter of the City of Berkeley, California, to be known as Section 116, said section to read as follows:—

Putting City Manager System into Effect.

Section 116. Charter Amendment No. I, providing for the City Manager System of Municipal Government by amending Sections 8, 14, 15, 17, 18, 19 and 20 of Article V, Sections 21 and 24 of Article VI, Sections 27, 28, 30, 31, 32, 33, 34 and 35 of Article VII, Subsection 3 of Section 44 of Article VIII, Subsection 44 of Section 49 of Article IX, Sections 52, 53, 54, 55 and 61 of Article X, and Section 93 of Article XIV of the Charter of the City of Berkeley, California, repealing Sections 23, 25 and 26 of Article VI, Section 29 of Article VII and Section 45 of Article VIII, and all portions of said charter in conflict with said Amendment No. 1, and adding to Article XVI of said charter a new section to be numbered 116, shall, for the purpose of nominating candidates and electing Mayor, Auditor and Councilmen, take effect from the time of the approval of the same by the Legislature; for all other purposes it shall take effect on the first day of July, 1923.

Putting city manager system into effect.

The terms of office of Mayor, Auditor and Councilmen holding office at the time of the approval of Amendment No. I by the Legislature, shall end at 12 o'clock noon, on the first day of July, 1923, and the terms of office of the Mayor, Auditor and Councilmen elected in pursuance of Amendment No. I shall commence at 12 o'clock noon on the first day of July, 1923, provided, that the aforesaid officers in office at the time of the approval of Amendment No. I by the Legislature shall continue to hold office and discharge their duties until the election and qualification of their successors; provided further, that the members of the first Council elected under this Amendment shall have the power and it shall be their duty within five days of the certification of their election to qualify and organize for the sole purpose of electing a City Manager, as provided in this amendment, and the said Council shall, if practicable, elect a City Manager prior to the first day of July following their election, whose active service shall begin at 12 o'clock on that day, at the same time as their own. They shall

be entitled to no compensation for services rendered prior to July 1, 1923.

CHARTER AMENDMENT No. 2.

DESCRIBING AND SETTING FORTH A PROPOSAL TO THE QUALIFIED ELECTORS OF THE CITY OF BERKELEY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, TO AMEND THE CHARTER OF SAID CITY BY AMENDING SECTION 63 OF ARTICLE XI OF THE CHARTER OF THE CITY OF BERKELEY, CALIFORNIA, SO AS TO INTRODUCE COMPETITION IN BIDDING FOR OFFICIAL ADVERTISING OF ANY NEWSPAPER OF GENERAL CIRCULATION AND TO PROVIDE AN ALTERNATIVE THEREFOR.

That Section 68 of Article XI of the Charter of the City of Berkeley, California, be amended to read as follows:—

Advertising.

Official
advertising.

Sec. 68. The Council shall annually call for bids for advertising, and a contract therefor shall be awarded to the lowest responsible bidder whose paper has a general circulation in the City of Berkeley of at least five hundred.

PROVIDED, that the Council may reject all bids if in its opinion the bid of the lowest responsible bidder is not reasonable, and may again call for bids; or may designate as the official paper a newspaper of general circulation in the City with a circulation in the City of Berkeley of at least five hundred and which shall have been established at least one year. In no event shall the rate for official advertising exceed the lowest rate charged by the paper for publishing any class of advertising.

PROVIDED, that the Council may in its discretion post notices and copies of all matters required by this Charter to be published in ten prominent places in the City of Berkeley, said places to be fixed by ordinance. This posting shall be sufficient publication of any matter required by this charter to be published.

All portions of this Charter in conflict herewith are hereby repealed.

CHARTER AMENDMENT No. 4.

DESCRIBING AND SETTING FORTH A PROPOSAL TO THE QUALIFIED ELECTORS OF THE CITY OF BERKELEY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, TO AMEND THE CHARTER OF THE CITY OF BERKELEY BY AMENDING SECTION 4; AND SUBSECTIONS 1 AND 14 OF SECTION 5; AND SUBSECTION 1 OF SECTION 6 OF ARTICLE III THEREOF AND ADDING A NEW SECTION THERETO TO BE KNOWN AS SECTION 5½ OF ARTICLE III THEREOF, AND REPEALING SUBSECTIONS 21, 22, 23 AND 24 OF SECTION 5 OF ARTICLE III

THEREOF, SO AS TO INTRODUCE THE PREFERENTIAL SYSTEM OF VOTING, AND TO PROVIDE FOR ONLY ONE GENERAL ELECTION; SAID AMENDMENT RELATING TO THE FORM OF VOTING AND THE RULES AND REGULATIONS GOVERNING THE SAME.

That Section 4 of Article III of the Charter of the City of Berkeley, California, be amended to read as follows:—

General and Special Municipal Elections.

Sec. 4. A municipal election shall be held on the first Tuesday in May, 1923, and biennially thereafter. All such elections shall be known as regular municipal elections. All other municipal elections that may be held shall be known as special municipal elections.

That Subsection 1, Section 5 of Article III of the Charter of the City of Berkeley, California, be amended to read as follows:—

Nomination and Election of Certain Officers.

(1) All elective officers shall be elected by the preferential system. The form of the ballots, the method of conducting elections and the rules for counting the ballots shall be governed by the provisions relating thereto hereinafter prescribed in this Article.

That Subsection 14, Section 5 of Article III of the Charter of the City of Berkeley, California, be amended to read as follows:—

Form of Ballots.

(14) The City Clerk shall cause the ballots to be printed and bound and numbered as provided for by State law except as otherwise required in this Charter. The ballots shall contain the list of names and the respective offices, as published in the proclamation. The ballots shall be marked according to the following instructions, which shall be printed at the top of each ballot under the heading of "Instructions to Voters":—

Put the figure 1 opposite the name of your first choice for each office to be filled. If you want to express also second choices, do so by putting the figure 2 opposite the name of your second choice for each office to be filled. In this way you may express as many as two choices. When you express second choices you are surer to make your ballot count for one of the candidates you favor.

This ballot will not be counted for your second choice, unless it is found that it cannot help your first choice.

A ballot is spoiled if the figure 1 or the figure 2 is put opposite more names than the number of persons to be elected to a particular office. If you spoil this ballot, tear it across once, return it to the election officer in charge of the ballots and obtain another.

That Subsection 1, of Section 6 of Article III of the Charter of the City of Berkeley, California, be amended to read as follows:—

Regulation of Elections.

Regulation
of elections

Sec. 6. (1) The City Council shall make all needful rules and regulations, not inconsistent with the provisions of the Preferential System of elections as set forth in this Charter or with the general law for the conduct of elections, for the prevention of fraud in elections, and for the recount of the ballots in case of doubt or fraud, provided that the Council shall meet as a canvassing board and duly canvass the election returns within four days after any municipal election.

That a new section be added to Article III of the Charter of the City of Berkeley, California, to be known as Section 5½ of Article III, said section to read as follows:—

Rules for Counting Ballots.

Rules for
counting
ballots.

Sec. 5½. Ballots cast for the election of elective officers shall be counted and the results determined by the election authorities according to the following rules:—

(1) On all ballots a cross shall be considered equivalent to the figure 1. So far as may be consistent with the general election laws, every ballot from which the first choice of the voter can be clearly ascertained shall be considered valid.

(2) The ballots shall first be counted at the several voting precincts according to the first choices of the voters. At each voting precinct the ballots declared invalid by the precinct officials shall be put up in a separate package, properly marked on the outside. All the packages of the precinct, together with a record of the precinct count, shall be promptly forwarded to the central election authorities as directed by them and the counting of the ballots shall proceed under their direction.

(3) After the review of the precinct count by the central election authorities and the correction of any errors discovered therein, the first choice votes for each candidate shall be added and tabulated. This completes the first count.

(4) All candidates the number of whose votes on the first count equal a majority of votes cast for that office shall then be declared elected.

(5) If no candidate has a majority, the lowest candidate is excluded and his votes only are scrutinized again and the second choice votes are added to the votes of the other candidates as the preferences indicate.

(6) If no candidate has a majority the lowest remaining candidate is excluded and his votes only are scrutinized again and added to the votes of the other candidates as the preferences indicate. The candidates are in this manner successively excluded until only two are left, the candidate having the majority vote between these two shall be declared elected.

(7) Any tie vote not otherwise provided for in this section shall be decided by lot.

(8) The ballots shall be preserved by the election authorities until the end of the term for which the officers are elected.

Any recount of the ballots shall be made by the central election authorities in accordance with this section except that the references to voting precincts may be neglected. In any recount every ballot shall be made to take the same course that it took in the original counting unless there is discovered a mistake that requires its taking a different course or unless some candidate has become ineligible since the original counting. In either of these cases any required changes shall be made in the courses taken by the ballot. These principles shall apply also to the correction of any error that may be discovered during the original counting.

(9) The candidates or their agents, representatives of the press, and, so far as may be consistent with good order and with convenience in the counting and transferring of the ballots, the public shall be afforded every facility for being present and witnessing these operations.

That Subsections 21, 22, 23 and 24 of Section 5 of Article III and all portions of said Charter in conflict with the foregoing provisions be and the same are hereby repealed.

CITY OF BERKELEY, }
 COUNTY OF ALAMEDA, } ss.
 STATE OF CALIFORNIA. }

This is to certify that we, LOUIS BARTLETT, Mayor of the City of Berkeley, and E. M. HANN, City Clerk of said City, have compared the foregoing proposed and ratified amendments to the Charter of the City of Berkeley with the original proposals, submitting the same to the electors of the said City at a special election held on Saturday, the 20th day of January, 1923, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are and each of them is true. Certificate.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of said City of Berkeley, this 26th day of January, 1923.

[SEAL.]

LOUIS BARTLETT,
 Mayor of the City of Berkeley.
 E. M. HANN,
 City Clerk of the City of Berkeley.

WHEREAS, The said proposed amendments are now submitted to the legislature of the State of California for approval or rejection without power of alteration or amendment in accordance with section eight, article eleven of the constitution of the State of California; now, therefore, be it Approval by legislature.

Resolved by the assembly of the State of California, the senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the said charter herein set forth as pre-

sented and ratified by the qualified electors of said city be, and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to, and as part of the charter of said city of Berkeley.

CHAPTER 21.

Senate Concurrent Resolution No. 7—Approving certain amendments to the charter of the county of Butte, State of California, voted for and ratified by the qualified electors of said Butte county at the general election held therein on the seventh day of November, 1922.

[Filed with Secretary of State March 9, 1923.]

Butte county
charter
amendments.

WHEREAS, The county of Butte, State of California, has at all times herein mentioned been, and now is a body politic, and is now and has been since the twenty-seventh day of January, 1917, organized and acting under and by virtue of a charter adopted under and by virtue of section seven and one-half, of article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said county, at an election held for that purpose on the seventh day of November, 1916, and approved by the legislature of the State of California on the twenty-seventh day of January, 1917; and

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of amendments to said charter set out in the certificate of the chairman of the board of supervisors, and the county and ex officio clerk of the board of supervisors of the county of Butte, to wit:

STATE OF CALIFORNIA }
COUNTY OF BUTTE. } ss.

CERTIFICATE OF COUNTY CLERK OF THE COUNTY OF BUTTE, STATE OF CALIFORNIA, AND CHAIRMAN OF THE BOARD OF SUPERVISORS OF THE COUNTY OF BUTTE, STATE OF CALIFORNIA, AS TO THE ADOPTION AND RATIFICATION OF CERTAIN AMENDMENTS TO THE CHARTER OF SAID COUNTY OF BUTTE, SUBMITTED TO THE QUALIFIED ELECTORS OF SAID COUNTY ON THE 7TH DAY OF NOVEMBER, 1922.

PREAMBLE.

BE IT KNOWN THAT:

WHEREAS, The County of Butte, State of California, has at all times mentioned herein been and now is a body politic of the State of California, and is now and has been since the 27th day of January, 1917, organized and acting under and by virtue of a charter adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the

qualified electors of said county at an election held for that purpose on the 7th day of November, 1916, and approved by the Legislature of the State of California, on the 27th day of January, 1917; (Statutes 1917, page 1791, et seq.) and

Butte county
charter
amendments.

WHEREAS, On the 18th day of September, 1922, the Board of Supervisors of said County of Butte, pursuant to the provisions of Section 7½ of Article XI of the Constitution of said State, duly proposed to the qualified electors of said county certain amendments to the charter of said county by the submission of proposals for such amendments to said electors at the general election held November 7, 1922, and at the same time said Board duly ordered that said proposals be submitted to the qualified electors of said county for ratification or rejection at said general election, and further duly ordered that said proposals should be forthwith published ten times in The Chico Record, a daily newspaper of general circulation printed, published and circulated in said county; and in said proposals, said proposed amendments were set forth in full and at length, and were and are in the words and figures hereinafter set forth; and

WHEREAS, Thereafter, said proposals were duly published in full and at length in said newspaper for ten times and on the following dates, to-wit: September 27, 28, 29, 30, October 1, 3, 4, 5, 6 and 7, 1922, and as often during said time as said newspaper was regularly published; and said general election at which said proposals were submitted to the vote of the qualified electors of said county was not less than thirty days nor more than sixty days after publication of said proposals as aforesaid; and

WHEREAS, Immediately subsequent to said publication, said Board of Supervisors duly prescribed the form and titles to be printed on the general election ballot to be used at said general election for the submission of said proposals, which said form and titles are hereinafter set forth, and in which said form and under which said titles said proposals appeared on said ballot; and

WHEREAS, Subsequent to said publication and at least twenty-five days prior to November 7, 1922, the County Clerk of said county duly filed in his office a notice of election, in which, among other things and in addition to all other matters required by law, it was stated that said proposals would be submitted to the qualified electors of said county at said general election November 7, 1922; and said Clerk caused a copy of said notice to be posted in a prominent place in his office and on said notice said proposals appeared in the form and by the titles prescribed by the Board of Supervisors and in the form and by the titles said proposals appeared upon said ballot; and

WHEREAS, At said general election said proposals were duly submitted to the vote of the qualified electors of said county, and appeared on the general ballot at said election in the following form, to-wit:

Butte county
charter
amendments.

“PROPOSALS FOR AMENDMENTS TO BUTTE
COUNTY CHARTER

BUTTE COUNTY CHARTER AMENDMENT NO. 1
Providing for a Department of Public Welfare to be appointed by the Board of Supervisors, and to have supervision and control over matters relating to public relief, children's welfare, hospitals, and other county social work; and abolishing the present office of Superintendent of Charities.

BUTTE COUNTY CHARTER AMENDMENT NO. 2
Fixing the salaries of county officers; directing that the Board of Supervisors shall once every four years fix the number and salaries of deputies, assistants, clerks and stenographers for county officers; and abolishing the county officer's emergency fund.

BUTTE COUNTY CHARTER AMENDMENT NO. 5
Providing for a County Free Library and for salary of County Librarian.

BUTTE COUNTY CHARTER AMENDMENT NO. 6
Providing that the County Board of Appraisers shall appraise the real property of the county once every two years.

BUTTE COUNTY CHARTER AMENDMENT NO. 7
Providing that the County Road Engineer shall reclassify the county roads as “Main County Roads”, “Secondary County Roads”, and “County By-roads”, as traffic conditions require, but not oftener than once in four years.”

And opposite each proposal to be voted upon, and to the right thereof, and on separate lines, were printed the words “YES” and “NO”, with voting squares thereafter and in addition thereto said ballot contained all other matters and things required by law to be stated thereon, and said ballot in all respects duly complied with law; and said proposals were duly and regularly submitted to said qualified electors in strict compliance with each and every provision of law relating to the amendment of county charters; and

WHEREAS, The County Clerk of said Butte County mailed a sample ballot or printed copy, containing the form and titles of said amendments as above set forth, to each qualified elector within the said County of Butte, at least ten days prior to the said 7th day of November, 1922; and

WHEREAS, The returns of said general election held in the County of Butte on the said 7th day of November, 1922, at which election said proposals were submitted to the vote of the qualified electors of said county, were made to and canvassed by the Board of Supervisors of the County of Butte, and it appeared therefrom and was so declared by the Board of Supervisors that 3403 votes were cast in favor of said proposed amendment No. 1, and that 2848 votes were cast against said proposed amendment No. 1; that 3482 votes were cast in favor of said proposed amendment No. 2, and that 2630 votes were cast against said proposed amendment No. 2; that 3544 votes were cast in favor of said proposed amendment

No. 5, and that 2899 votes were cast against said proposed amendment No. 5; that 3155 votes were cast in favor of said proposed amendment No. 6, and that 2985 votes were cast against said proposed amendment No. 6; that 3403 votes were cast in favor of said proposed amendment No. 7; and that 2589 votes were cast against said proposed amendment No. 7; and it appeared therefrom that a majority of the qualified electors of Butte County voting thereon, at such general election, voted in favor of each of said proposed amendments above set forth, and said Board of Supervisors thereupon ordered and declared that said proposed amendments were ratified; and

WHEREAS, Said amendments so ratified by the electors of said County of Butte at said general election held on November 7, 1922, are now submitted to the Legislature of the State of California, for approval or rejection, as a whole, without power of alteration or amendment, in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California; now

THEREFORE, The undersigned, F. L. Roohr, Chairman of the Board of Supervisors of the County of Butte, State of California, and C. F. Belding, County Clerk and ex-officio Clerk of the Board of Supervisors of Butte County, State of California, authenticating their signatures with the official seal of said Board of Supervisors, do hereby certify that said amendments to said charter of said county, so ratified by the majority of the electors voting thereon at said general election held on the 7th day of November, 1922, as submitted to said electors are in words and figures as follows, and are and shall if so approved by said Legislature, be in the words and figures following, to-wit:

AMENDMENT NO. 1.

Section 1, Article IV, is hereby amended to read as follows:

“Section 1. County officers other than members of the Board of Supervisors, shall be: a Sheriff, a County Clerk, a Treasurer, a Recorder, a Tax Collector, a License Collector, a Public Administrator, a Coroner, a Surveyor, a District Attorney, an Auditor, an Assessor, a Superintendent of Schools, a Horticultural Commissioner, a Probation Officer, a Health Officer, a Road Engineer, a County Librarian, and such other officers as are now or may hereafter be provided for by the Constitution, by general law, or by this Charter.”

Section 2, Article IV, is hereby amended to read as follows:

“Section 2. The following offices are hereby consolidated:

(a) The District Attorney shall be ex-officio Public Administrator; Consolidated
offices.

(b) The Sheriff shall be ex-officio Coroner;

(c) The Treasurer shall be ex-officio Tax Collector and ex-officio License Collector;

(d) The Surveyor shall be ex-officio Road Engineer.”

Article XI is hereby amended to read as follows:

"ARTICLE XI.

Charities.

Department
of public
welfare

Section 1. There is hereby created a department of public welfare to be appointed by the board of supervisors and to serve without pay. Said department shall consist of seven members, men and women, citizens of the county, two of whom shall be members of the board of supervisors.

Terms
of office.

Section 2. Of the members first appointed under the provisions of this charter two shall be appointed to serve for three years, and three for four years. Their successors shall be appointed for a term of four years. The two members from the board of supervisors shall be appointed annually.

Supervision
and control.

Section 3. The department of public welfare shall have supervision and control over all matters relating to public relief, children's welfare, and other county social work; and over county hospitals and farm and all activities carried on therein and shall make rules and regulations to improve and regulate the conduct and efficiency of such institutions and activities.

Secretary.

Section 4. The department may appoint a secretary whose salary shall be fixed by the board of supervisors. It shall be the duty of the department to investigate, determine and supervise the giving of relief to all persons receiving or applying for public aid, and to devise ways and means of restoring them to self-support where possible and to maintain a modern system of records on relief cases in accord with the forms and methods prescribed by the state board of charities and corrections as provided by law.

Relief cases.

Other work.

Section 5. The Department of Public Welfare shall cooperate with the probation committee, probation office and other departments of the county social work; may act as the coordinating agency for all relief and welfare agencies of the county; may investigate all charities dependent upon public appeal on general solicitation for support; and may perform other work of social character at the request of the board of supervisors."

AMENDMENT NO. 2.

Fixing
number and
pay of
subordinates.

Section 3, Article III, is hereby amended to read as follows:

"Section 3. The Board of Supervisors shall, once every four years, determine the number of deputies, assistants, clerks, and stenographers, except as hereinotherwise expressly provided, for each and every county officer, and shall, at said time, fix the compensation of each and every deputy, assistant, clerk or stenographer."

Salaries
of officers.

Section 6, Article IV, is hereby amended to read as follows:

"Section 6. The annual salary of county officers shall be as follows, payable monthly on the first Monday in each month, except as otherwise in this Charter provided:

(a) Members of the Board of Supervisors, One Hundred Twenty-five Dollars per month each.

(b) The Sheriff and ex-officio Coroner, Three Thousand Dollars per annum;

(c) The County Clerk, Three Thousand Dollars per annum, and in addition thereto, the County Clerk shall be allowed the sum of Three Hundred Dollars for registration and other expenses in each year during which it may be necessary, under the provisions of the general laws, to prepare a great register of electors;

(d) The District Attorney and ex-officio Public Administrator, Twenty-seven Hundred Dollars per annum;

(e) The Assessor, Three Thousand Six Hundred Dollars per annum;

(f) The Auditor, Twenty-seven Hundred Dollars per annum;

(g) The Recorder, Twenty-four Hundred Dollars per annum;

(h) The Treasurer and ex-officio Tax Collector and ex-officio License Collector, Three Thousand Dollars per annum;

(i) The Horticultural Commissioner, Twenty-four Hundred Dollars per annum;

(j) The Probation Officer, Fifteen Hundred Dollars per annum;

(k) The Surveyor and ex-officio Road Engineer, Three thousand dollars per annum;

(l) The Superintendent of Schools, Three Thousand Dollars per annum; the Superintendent of Schools shall be allowed one supervising deputy at a salary of Eighteen Hundred Dollars per annum; and one office deputy.

(m) County Librarian, Eighteen Hundred Dollars per annum." Section 9 of Article VIII, is hereby repealed.

AMENDMENT No. 5.

There is hereby added a new article to be numbered "VIIa" and to read as follows:

"ARTICLE VIIa.

County Free Library.

Section 1. There is hereby created a county free library which shall be in charge of the county librarian. County library.

Section 2. The County Librarian shall be appointed by the Board of Supervisors and shall receive a salary of eighteen hundred dollars per annum; Librarian

Section 3. The county free library shall be maintained in accordance with an act entitled "An act to Provide for the Establishment and Maintenance of County Free Libraries in the State of California, and repealing an act entitled, 'An Act to Provide County Library Systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, and all amendments thereto." Maintenance of library.

AMENDMENT No. 6.

Section 2, Article IX, is hereby amended to read as follows: "Section 2. It shall be the duty of the Board of Appraisers to appraise the real property of the County of Butte at its Duty of board of appraisers.

full cash value, once every two years, to make a full and complete written report thereof to the Assessor, the Board of Supervisors and the Judge of the Superior Court. In doing said work of appraisalment the Board of Appraisers shall work in conjunction with the Assessor."

AMENDMENT NO. 7.

Section 3, Article X, is hereby amended to read as follows:
 "Section 3. The County Road Engineer shall:

Duties of
 county
 engineer.

(a) Make all surveys, maps, plans, specifications and estimates necessary or required for the construction, improvement, maintenance and repair of the county highways and bridges.

(b) Examine and inspect the work performed on such roads, highways and bridges and report to the board of supervisors as to whether or not the work has been done in accordance with the plans and specifications and contracts therefor.

(c) Approve and certify to the progress, estimates and allowances for work performed under all contracts for the construction, improvement and maintenance or repair of county roads, highways and bridges.

(d) Inspect or cause to be inspected, all county roads, highways and bridges within the county, and, under the general direction of the Board of Supervisors as ex-officio Road Commissioners, keep such roads, highways and bridges clear of obstructions and in good repair; employ all men, teams, watering carts and all help necessary therefor, when the same is not let by contract, and report to the Board of Supervisors with respect to such inspection and such work from time to time as required by said Board; certify to the correctness of all payrolls for work done by day labor or force account on county roads, highways and bridges.

(e) Have control and management under the general supervision of the Board of Supervisors of all county rock quarries, oil pits and depots, gravel pits and other materials, property, implements, instruments, tools, machinery and other appurtenances necessary for the construction, improvement, maintenance and repair of county roads, highways and bridges, and for the plans therefor.

(f) Devote his entire time to the performance of his duties to the exclusion of all other business occupations; *provided, however,* that he shall also hold and perform the duties of the office of county surveyor, but no salary or other compensation shall be paid him as county surveyor. He shall not be either directly or indirectly, interested in any contract or works, nor shall he be so interested in the purchase of supplies, tools or materials of any kind used in the carrying out of any of his duties under the provisions of this Charter.

(g) Prepare annually a proper budget showing in detail the needs of the county for construction, improvement, maintenance or repair of county roads, highways and bridges for the ensuing year and submit the same to the County Auditor and Board of Supervisors at least sixty days prior to the date

of the meeting at which the Board of Supervisors is required to fix the county tax rate. Duties of
county
engineer.

(h) Make a written report to the Board of Supervisors at their regular meeting each month, in which he shall state the amount and character of work done during the preceding month, the progress of any contracts under way, approximate cost of the work, and matters of interest pertaining to same. In this report he shall call the attention of the Board of Supervisors to any repairs or construction work he deems important to have made or done, and make recommendations therefor, and inform and advise the Board of Supervisors of all matters pertaining to the public roads, highways, streets, bridges or other public work, which in his judgment should be brought to their attention. This report shall contain the recommendation of acceptance or rejection of any public work completed, and all official announcements or statements which the Engineer is required to make to the Board.

(i) During the calendar year 1919, classify impartially the public highways of the county as "Main County Roads," "Secondary County Roads," and "County by-roads," and reclassify as traffic conditions require, but not oftener than once in four years. He shall compute the total mileage contained in the respective classes. The Main County Roads shall be called "Class A" roads and shall be named. The Secondary County Roads shall be called "Class B" roads and shall be numbered. The County by-roads shall be called "Class C" roads. He shall keep a road register properly indexed, in which shall be entered the names, numbers, class, length, and a brief description of each and every public road and bridge in the county. The road fund available for construction work, after a reasonable reservation has been made for emergencies, shall be apportioned to the three classes herein named, and the relative amount so apportioned shall depend upon the mileage, and the general public necessity, in each class; *provided*, that the apportionment per mile to Class A roads shall be greater than similar apportionment to the two other classes, and the apportionment per mile to Class B roads shall be greater than the apportionment per mile to Class C roads. The apportionment to Class C or County by-roads shall not exceed twenty per cent of the road revenue; *provided*, that Class C roads may have the use and benefit of the county road machinery, tools and implements, under such rules and restrictions as may be adopted by the Board of Supervisors.

The work of building, maintaining, repairing and keeping in repair all Class A and Class B highways must be let on contract by the Board of Supervisors to the lowest bidder, in the manner provided by law. The general plan of letting road contracts shall be that the county is to furnish machinery and the heavier road implements, while the contractor is to perform the labor and to furnish the lighter implements, tools, teams, wagons, and materials. The road engineer shall provide in his specifications rules and restrictions regarding the

use and care and repair of the county machinery, and of the county implements by the contractor. The county may also furnish crushed stone, gravel and other road material to contractors, provided its intention to do so shall be plainly stated in the specifications."

(Certificate.

We further hereby certify that the facts set forth in the preamble of this certificate preceding said amendments to said charter are and each of them is true.

And, for and on behalf of said County of Butte, we, being hereinbefore duly authorized, do hereby require the Legislature of the State of California, to approve said amendments to said charter as a whole, and to take such other and further steps and proceedings as may be necessary to perfect such approval.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the official seal of said Board of Supervisors of Butte County, State of California, this fourth day of December, 1922.

FRANK L. ROOHR,
Chairman of Board of Supervisors of Butte County,
State of California.

ATTEST:

C. F. BELDING,

County Clerk and ex-officio Clerk of the Board of Supervisors of Butte County, State of California.

[SEAL.]

Approval by
legislature.

WHEREAS, Said proposed amendments to the charter of the county of Butte have been submitted to the legislature of the State of California, for approval or ratification as a whole, without power of alteration or amendment in accordance with the provisions of section seven and one-half of article eleven of the constitution of the State of California, now therefore, be it

Resolved, by the senate of the State of California, the assembly concurring, a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein, That said amendments to the charter of Butte county as proposed, adopted and ratified by the electors of the said county of Butte, and as hereinbefore set forth, be, and the same are hereby approved as a whole without amendment or alteration, and as amendments to, and as a part of, the charter of the county of Butte.

CHAPTER 22.

Assembly Joint Resolution No. 14—Relative to the indorsement of the "Copper-French Truth in Fabric Bill"; to require woolen manufacturers to indicate by labels the percentage of virgin wool in fabrics.

[Filed with Secretary of State March 14, 1923.]

Approval of
"Copper-
French Truth
in Fabric
Bill."

WHEREAS, There has been introduced in the senate of the United States a bill known as the "Copper-French Truth in Fabric Bill," senate bill number 799; and

WHEREAS, A similar bill has been introduced in the house of representatives, H. R. "Bill number 64"; and

WHEREAS, The purpose of said bill is to require that manufacturers of woolen goods attach to the manufactured fabrics labels indicating the percentage of virgin wool and the percentage of re-worked wool contained in said manufactured fabric; and

WHEREAS, The sheep and wool industry is a large industry in the State of California, and continually growing in importance; now, therefore, be it

Resolved, by the assembly and the senate, jointly, That the legislature of the State of California at its forty-fifth regular session does respectfully urge upon the senate of the United States and the house of representatives, the adoption of said "Capper-French Truth in Fabric Bill" and the imperative need for the immediate enactment of the same; and, be it further

Resolved, That a copy of this joint resolution be sent, by the chief clerk of the assembly, to the president of the United States and to each member of the congress of the United States, from the State of California.

CHAPTER 23.

Assembly Joint Resolution No. 15—Relative to the passage of an act providing for adjusted compensation for world war veterans.

[Filed with Secretary of State March 19, 1923.]

WHEREAS, More than four years have elapsed since the signing of the Armistice, during which period the ex-service men of the United States have persistently and repeatedly petitioned the federal government to grant them adjusted compensation; and

Approval of
national
soldiers'
bonus.

WHEREAS, The principle of adjusted compensation has been approved by every state in which it has been submitted to the vote of the people, and by the congress of the United States; and

WHEREAS, The principle of adjusted compensation has been approved by Warren G. Harding, the president of the United States; and

WHEREAS, The adjusted compensation bill which recently passed both houses of congress was vetoed by the President of the United States on account of lack of available funds; and

WHEREAS, The official representatives of the British government have notified the government of the United States of the intention of Great Britain to immediately commence payment of the war debt owing from said British government to the American government; and

WHEREAS, The president of the United States has indicated that he will approve the use of funds derived from the payment of war debts for the purpose of paying adjusted compensation; now, therefore, be it

Resolved by the assembly and the senate, jointly, That the legislature of the State of California memorialize the congress of the United States for the passage of an adjusted compensation act for world war veterans at an early date; and be it further

Resolved. That the congress of the United States be asked to specify that the funds derived from the payment of foreign war loans to the United States, be used for the payment of adjusted compensation; and be it further

Resolved. That the senators and representatives in congress from the State of California be requested to use every legal means to secure the action desired; and be it further

Resolved, That a copy of this resolution be forwarded to the President of the United States, to the secretary of the treasury, to the presiding officers of both houses, and to each of the senators and representatives in congress from the State of California.

CHAPTER 24.

Senate Concurrent Resolution No. 15—Approving the charter of the City of Piedmont, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the twenty-seventh day of February, one thousand nine hundred twenty-three.

[Filed with Secretary of State March 22, 1923.]

State of California,)
 County of Alameda,) ss.
 City of Piedmont.)

Piedmont
 city charter.

We, the undersigned, Oliver Ellsworth, president of the board of trustees of the city of Piedmont, and W. C. Little, city clerk of said city of Piedmont, do hereby certify and declare as follows:

That the city of Piedmont is now and at all times herein referred to was a municipal corporation duly organized under the general incorporation laws of the State of California, and existing in the county of Alameda therein, and contained a population of more than three thousand five hundred inhabitants as ascertained by the last preceding census taken under the authority of the congress of the United States.

That pursuant to the provisions of section 8 of article XI of the constitution of the State of California, the board of trustees of said city of Piedmont, which was then and there the legislative body of said city, did, on presentation of a petition signed by not less than fifteen (15) per cent of the registered electors of said city, call an election to be held on the seventh day of November, 1922, for choosing a board of fifteen (15) freeholders to prepare and propose a charter for the government of said city and gave due notice of said election as required by law.

That at said election, held on said seventh day of November, 1922, a board of fifteen (15) freeholders was chosen by the electors of said city to prepare and propose a charter for the government of said city, the names of said freeholders so chosen being as follows:

Edson Adams,
 Mrs. E. B. Kimball,
 Samuel H. Taylor,
 R. C. MacLachlan,
 Mrs. R. E. Beach,
 F. O. Nebcker,
 James Tyson,
 Wm. M. Wheeler,
 A. C. Wagener,
 Oliver Ellsworth,
 W. O. Morgan,
 Theo. H. Lerch,
 R. C. Warner,
 J. B. Richardson,
 A. M. Merrill.

That the returns of said election were canvassed and the result thereof declared by said board of trustees of said city on the thirteenth day of November, 1922.

That within one hundred twenty (120) days after the result of said election was declared, the period allowed said board of freeholders to prepare and propose a charter for the government of said city, said board of freeholders did prepare and propose a charter for the government of said city, which charter was signed by all of the members of said board of freeholders, to wit: By fifteen (15) members thereof, and the same was filed in the office of the city clerk of said city of Piedmont on the nineteenth day of December, 1922.

That said board of trustees did thereupon call and order the holding of a special election in said city of Piedmont, on Tuesday the twenty-seventh day of February, 1923, and gave notice of the holding of said election as required by law, at which election there was submitted to the qualified electors of said city the question whether said proposed charter prepared and adopted as the charter for the government of said city should be ratified and adopted.

That within fifteen (15) days after the filing of said charter said board of trustees caused the same to be published once, to wit, upon the twenty-second day of December, 1922, in "The Piedmont Weekly News," which was then and there a weekly newspaper of general circulation printed and published in said city of Piedmont.

That said board of trustees caused copies of said proposed charter to be printed in convenient pamphlet form and kept in the office of the city clerk of said city and did, until the date fixed for the election upon such charter, advertise in said "The Piedmont Weekly News" a notice that such copies might be had upon application therefor, the first publication thereof being on the twenty-second day of December, 1922.

Piedmont
city charter.

That said election was held on said twenty-seventh day of February, 1923, and at said election three hundred forty-eight votes were cast and three hundred forty-eight voters voted thereat, of which number three hundred sixteen voters voted and three hundred sixteen votes were cast in favor of the adoption and ratification of said charter, and thirty-two voters voted and thirty-two votes were cast against the adoption and ratification of said charter: that said vote was duly canvassed by said board on Monday, the fifth day of March, 1923, and a statement thereof was duly entered in the minutes of said board and it then appeared and was found by said board that a majority of the qualified electors voting thereon at said election voted in favor of such proposed charter and for the ratification and adoption thereof.

That said charter so prepared, proposed, filed and ratified, as herein set forth, together with the certificate and signatures of said board of freeholders attached thereto, are in words and figures as follows, to-wit:

PROPOSED CHARTER OF THE CITY OF PIEDMONT
TO THE HONORABLE BOARD OF TRUSTEES OF THE CITY OF PIEDMONT.

WHEREAS, the City of Piedmont for many years last past has been and now is a city containing a population of more than three thousand five hundred inhabitants, as ascertained by the last preceding census taken under authority of the Congress of the United States; and

WHEREAS, on the 7th day of November, 1922, at an election duly held in said City, under and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the electors of said City did duly choose and elect:

Edson Adams.
Mrs. E. B. Kimball.
Samuel H. Taylor.
R. C. Maclachlan.
Mrs. R. E. Beach.
F. O. Nebeker.
James Tyson.
Wm. M. Wheeler.
A. C. Wagener.
Oliver Ellsworth.
W. O. Morgan.
Theo. H. Lerch.
R. C. Warner.
J. B. Richardson.
A. M. Merrill.

who were all electors of said City and eligible as candidates under said section, a board of fifteen freeholders to prepare a charter for the government of said City; and

WHEREAS, in pursuance of the provisions of said Constitution, and within the period of one hundred and twenty days, after the result of said election was declared, the Board of Freeholders has prepared and does now propose the following as and for the charter of said City of Piedmont.

PROPOSED CHARTER FOR THE CITY OF PIEDMONT

SECTION 1. NAME—The municipal corporation now existing and known as the City of Piedmont shall remain and continue to be a body politic and corporate as at present, in name, in fact and in law. Name.

SECTION 2. BOUNDARIES—The boundaries of said City shall be the same as now established, with power and authority to change the same as provided by law. Boundaries.

SECTION 3. POWERS—Said City, by and through its Council and other officials, shall have and may exercise all powers necessary or appropriate to a municipal corporation and the general welfare of its inhabitants, which are not prohibited by the Constitution, and which it would be competent for this charter to set forth particularly or specifically, including all powers now or hereafter granted to cities of the sixth class; and the specification herein of any particular powers shall not be held to be exclusive or any limitation of this general grant of powers. Powers.

LEGISLATIVE DEPARTMENT

SECTION 4. THE COUNCIL—The legislative body of said City shall consist of five persons elected at large, which body shall be known as the Council. Council.

The members of the Council shall be elected by the qualified voters of said City at a general municipal election to be held therein, every even-numbered year as hereinafter provided. They shall hold office for the period of four years from and after the Thursday next succeeding the day of their election and until their successors are elected and qualified; provided, however, that the members of the Board of Trustees who shall be in office at the time this charter is approved by the Legislature shall retain the office to which each was elected and become and constitute the Council, and that two members of the Council shall be elected at the regular municipal election held as herein provided in 1924, and three members thereof at such election in 1926, and thereafter in similar rotation each even numbered year.

The members of the Council shall not receive any compensation, nor shall they be eligible to any other office or employment with the City, other than is in this charter expressly provided.

No person shall be eligible to hold office as a member of the Council unless he shall have been a resident and elector of said City for at least two years next preceding the date of his election or appointment.

SECTION 5. MEETINGS—The Council shall meet at eight o'clock P. M. on the first Thursday following a general Meetings
of council.

municipal election and canvass the returns thereof. The new members shall then be inducted into office, whereupon the Council, as thus newly constituted, shall choose one of their number to serve as President of the Council and to be ex-officio mayor. The Council shall also choose one of their number to serve as Vice-President, and he shall act as Mayor pro tempore in case of the absence, sickness or other disability of the Mayor. The officials so chosen shall hold their respective offices subject to the pleasure of the Council. The regular meetings of the Council shall be held on the first and third Thursday of each month, at eight o'clock P. M., but any regular meeting may be adjourned to a date certain, which adjourned meeting shall be a regular meeting for all purposes. Special meetings may be called by the Mayor or three Councilmen at any time by written notice delivered personally to each member at least three hours before the time specified for the meeting.

All meetings of the Council shall be held in the City Hall, unless by reason of fire, flood or other disaster, the City Hall cannot be used for that purpose, and all meetings shall be open to the public. The Council shall adopt rules for conducting their proceedings.

Quorum.

SECTION 6. QUORUM—A majority of the Council shall constitute a quorum for the transaction of any business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

The affirmative vote of a majority of the Council shall be necessary to adopt any ordinances, resolutions or claims against the City, which vote shall be taken by ayes and noes and entered upon the record.

Ordinances.

SECTION 7. ORDINANCES—All proposed ordinances introduced in the Council shall be in printed or typewritten form. The enacting clause of all ordinances passed by the Council shall read as follows: "The Council of the City of Piedmont do ordain as follows:." The enacting clause of all ordinances initiated by the people shall read as follows: "The people of the City of Piedmont do ordain as follows:."

No ordinance shall be passed by the Council on the day of its introduction, nor within five days thereafter. A proposed ordinance may be amended or modified between the time of its introduction and the time of its final passage, providing its general scope and original purpose are retained. All ordinances shall be signed by the Mayor and attested by the City Clerk, and shall be published at least once in a newspaper of general circulation before becoming effective; provided, any ordinance declared by the Council to be necessary as an emergency measure for preserving the public peace, health or safety, and containing the reasons for its urgency, may be introduced and passed at one and the same meeting and, if passed by a four-fifths vote, shall become effective immediately.

ADMINISTRATIVE DEPARTMENT.

SECTION 8. OFFICERS AND EMPLOYEES—The administrative officers of the City of Piedmont shall consist of five members of the Council, a Mayor, a City Clerk, a City Auditor, a City Treasurer, a City Attorney, a City Assessor, a City Tax Collector, a City Engineer, a Street Superintendent, a City Judge, a Chief of Police, a Fire Chief, a Health Officer, five Park and Playground Commissioners, and five Library Trustees; provided the Council may, by ordinance or resolution, provide for such other or subordinate officers, assistants, deputies and employees as it may deem necessary. The members of the Council shall be elected from the City at large, and shall hold office for four years and until their successors are elected and qualified. All other officers and employees except as otherwise herein provided, shall be appointed by the Council and hold office during the pleasure of the Council. The City Clerk shall be ex-officio Assessor, and the City Engineer may hold the office of Superintendent of Streets. The Council may by ordinance or resolution combine or consolidate any two or more offices, and require the duties of the same to be performed by one official. officers and employees.

SECTION 9. OFFICIAL BONDS—The Council shall determine which officers shall give bonds for the faithful performance of their official duties, and fix the amount of said bonds. Such officers, before entering upon their official duties, shall execute a bond to the City in the penal sum required, which bond shall include any other offices of which they may be ex-officio or by appointment incumbent. Said bonds shall be approved by the Council and filed with the City Clerk, except that of the City Clerk, which shall be filed with the Mayor. Official bonds.

SECTION 10. OATH OF OFFICE—Every officer shall take the constitutional oath of office and subscribe thereto before entering upon the performance of his official duties. Oath of office.

SECTION 11. MAYOR—The Mayor shall be the executive head of the City. In case of riot, insurrection or extraordinary emergency, he shall assume general control of the City government and all of its branches, and be responsible for the suppression of disorders and the restoration of normal conditions. In the name and on behalf of the City, he shall sign all contracts, deeds, bonds and other legal instruments in which the City is a party. He shall represent the City in all ceremonial functions of a social or patriotic character when it is desirable or appropriate to have the City represented officially thereat. He shall not receive any compensation for his services. Mayor.

SECTION 12. CITY CLERK—There shall be a City Clerk appointed by the Council. It shall be his duty to keep a full, true and correct record of the proceedings of the Council and Board of Equalization and other books and accounts as are now required by law for clerks of the cities of the sixth class, and may be required of him by resolution or ordinance of the Clerk.

Council. All powers, except as in this charter otherwise provided, now or hereafter conferred upon the clerk of cities of the sixth class by law, shall be exercised by the City Clerk. He shall have such other powers and perform such other duties as may be prescribed by resolution or ordinance.

Engineer and
street super-
intendent.

SECTION 13. CITY ENGINEER AND STREET SUPERINTENDENT—There shall be a City Engineer appointed by the Council. He may also hold the office of Street Superintendent if so appointed by the Council. It shall not be necessary that he be a resident of the City at the time of his appointment.

As City Engineer he shall be the custodian of, and responsible for, all maps, plans, profiles, field notes and other records and memoranda belonging to the City, pertaining to his office and the work thereof, all of which he shall keep in proper order and condition. He shall turn the same over to his successor upon relinquishing his office, who shall give him duplicate receipts therefor, one of which he shall file with the City Clerk. All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him, or under his direction or control for and on behalf of said City during his term of office, shall be the property of the City. He shall have supervision over all public works relating to the grading, paving, cleaning, watering and repairing of streets, the building of sewers and the disposal of sewage, garbage and rubbish, also all other matters of an engineering character. He shall, at the time of his appointment, have been a practicing civil engineer for a period of at least three years.

The Street Superintendent shall perform such duties as may be prescribed, now or hereafter, by ordinance or resolution or general laws of the State.

Treasurer.

SECTION 14. CITY TREASURER—There shall be a City Treasurer appointed by the Council. It shall be his duty to receive and safely keep all moneys and securities belonging to the City coming into his hands, and pay out the same only on warrants signed by the proper officers, and not otherwise. He shall perform such other duties as may be prescribed by the Council.

Assessor.

SECTION 15. CITY ASSESSOR—There shall be a City Assessor, of which office the City Clerk shall be ex-officio incumbent. It shall be the duty of the Assessor, as soon after the first Monday of March, each year, as practicable, to make a full, true and correct assessment of all taxable property within the City, owned or possessed by any person, board or corporation, at 12 o'clock noon on the first Monday in March of each year. He shall make out lists, giving the names of owners and description and value of the property, following the form, as nearly as may be, required by the laws of the State governing county assessors.

Attorney.

SECTION 16. CITY ATTORNEY—There shall be a City Attorney appointed by the Council. He shall be an attorney-

at-law, admitted to the bar of the Supreme Court of this State, and one who has been in actual practice in the State for at least three years next preceding. The City Attorney shall be legal advisor of the Council, and all other city officials on matters appertaining to their official duties. He shall draft all ordinances, resolutions, contracts or other legal documents or proceedings required by the Council, or other officials, except as may be otherwise provided, and shall perform such other legal services from time to time as the Council may require. He shall attend all meetings of the Council unless excused therefrom by the Council or the Mayor.

SECTION 17. CITY JUDGE—There shall be a City ^{Judge.} Judge appointed by the Council. He shall be judge of the municipal court, which is hereby established. Said municipal court shall have jurisdiction, concurrently with the justices' courts, of all actions and proceedings, civil and criminal, arising within the corporate limits of said City, and which might be tried in such justices' court; and shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty, or forfeiture prescribed for the breach of any ordinance of said City of all actions founded upon any obligation created by any ordinance, and of all prosecutions for any violation of any ordinance. In all civil actions for the recovery of any fine, penalty, or forfeiture prescribed for the breach of any ordinance of said City, where the fine, penalty or forfeiture imposed by the ordinance is not more than one hundred dollars, the trial must be by the court. In civil actions where the fine, penalty or forfeiture prescribed for the breach of any ordinance of said City is over one hundred dollars, the defendant is entitled to a jury. Except as in this section otherwise provided, the rules and practice and mode of proceeding in said municipal court shall be the same as are or may be prescribed by law for justices' courts in like cases; and appeals may be taken to the superior court from all judgments of said municipal court in like manner and with like effect as in cases of appeals from justices' courts.

The City Judge shall have all powers and perform the duties of a magistrate and may administer and certify oaths and affirmations and take and certify acknowledgements. All fines, fees and costs collected by him shall be paid into the city treasury weekly. He shall make such periodical reports as the Council may require.

In all cases in which the City Judge is a party, or in which he is interested, or when he is related to either party by consanguinity or affinity within the third degree, or is otherwise disqualified, or in case of sickness or inability to act, he may call upon any Justice of the Peace, residing in the County, to act in his stead.

The Council may appoint the Justice of the Peace of the township in which the City of Piedmont is located, as City Judge.

All actions and proceedings pending and undetermined in the Recorder's Court of the City of Piedmont at the time this

charter takes effect, shall be proceeded with, heard and tried and determined in the municipal court hereby provided for, in the same manner as if such actions or proceedings had been originally commenced in said municipal court.

Tax
collector.

SECTION 18. CITY TAX COLLECTOR—There shall be a Tax Collector appointed by the Council. The City Clerk or such other officer as may be designated by the Council may perform the duties and possess the powers of this office, which shall be prescribed by resolution or ordinance of the Council.

Auditor.

SECTION 19. CITY AUDITOR—There shall be a City Auditor appointed by the Council who shall perform such duties and possess such powers as shall be prescribed by resolution or ordinance of the Council.

Health
officer.

SECTION 20. HEALTH OFFICER—There shall be a Health Officer appointed by the Council. He shall be a person who has been licensed to practice medicine in the State of California, or who has received special training in public health work. He shall exercise general supervision over the health and cleanliness of the City, and take all necessary measures for the preservation and promotion thereof. He shall enforce all laws, ordinances and regulations relative to the preservation and improvement of the public health, including those provided for the prevention of disease, the suppression of unsanitary conditions, and the inspection and supervision of the production, transportation, storage and sale of food stuffs.

Chief of
police.

SECTION 21. CHIEF OF POLICE—There shall be a Chief of Police appointed by the Council. He shall be the head of the police department of the City, and shall have all the powers that are now or may hereafter be conferred upon sheriffs and other peace officers by the laws of the state. It shall be his duty to preserve the public peace, and to suppress riots, tumults and disturbances. His orders shall be promptly executed by the police officials, or watchmen of the city, and every citizen shall lend him aid when requested for the arrest of offenders, the maintenance of public order, or the protection of life and property.

He shall execute and return all process issued to him by legal authority. He shall have authority, and it is hereby made his duty, to arrest persons violating any law of the State or ordinance of the City. Those arrested for violating City ordinances may, before or after trial, be confined in the county jail of Alameda County or in the city prison of the City of Piedmont. He shall have such other powers and duties appertaining to his office as may be prescribed by the Council or rules of the police department. He shall appoint and remove all subordinates in the department, make rules and regulations for the management of the department, and prescribe tests and examinations for persons in the department, all in accordance with the provisions of this charter, and subject to the approval of the Council.

Fire chief.

SECTION 22. CHIEF OF FIRE DEPARTMENT—There shall be a Fire Chief appointed by the Council. He

shall be head of the fire department of the City, and shall have charge and supervision over all matters relating to the prevention and extinction of fires, and of all measures necessary to guard and protect all property impaired thereby. He shall appoint and remove all subordinates in the department, and make rules and regulations for the government thereof, subject to the approval of the Council.

SECTION 23. PUBLIC LIBRARY—The free public library of the City shall be managed under and in accordance with the provisions of the general laws of the State relating to free public libraries, and as may be prescribed by resolution or ordinance of the Council. Library.

SECTION 24. PARK AND PLAYGROUND COMMISSION—There shall be a park and playground commission consisting of five members, who shall be appointed by the Council and shall serve without compensation. They shall have such term of office, powers and duties as may be prescribed by resolution or ordinance of the Council. Park and playground commissioner.

SECTION 25. EXPERT ACCOUNTANT—The Council shall employ a certified public accountant annually to investigate the transactions and accounts of all officers or employees having the collection, custody or disbursement of public money or property, or the power to approve, allow or audit demands on the treasury. Accountant.

SECTION 26. COMPENSATION—The Council shall fix by resolution or ordinance the compensation of all officers, also the compensation of all deputies, assistants and employees of all officers appointed by the Council. Compensation.

SECTION 27. DEPUTIES—All officers appointed by the Council shall have the power to appoint their own deputies when the same are necessary, subject, however, to the confirmation of the council. Deputies.

SECTION 28. ELECTIONS—General municipal elections shall be held in said City on the first Tuesday in April of each even-numbered year, under and pursuant to the provisions of the general laws governing elections in cities of the sixth class, so far as the same may be applicable, and except as herein otherwise provided, subject, however, to the provisions of Section 38 hereof, as to the special election of a member of the Board of Education. In accordance with the provision of Section 38, the Council shall have power to select, and at any regular or special meeting shall select, by the vote of the majority of all of the members of said Council, a qualified elector of said City, who has been such for at least two years, to be a member of the Board of Education. The elector so selected shall thereupon become a member of the Board of Education, and shall serve on said Board for a term of four years and until his successor is selected and qualified: provided, that no new member shall be so appointed on said Board of Education in any even-numbered year, excepting to fill a vacancy as hereinafter specified. Any vacancy on the Board of Education caused by the resignation, removal, incapacity or death of the Elections

member so selected, shall be filled by the Council in like manner and for a like term, provided, that in the event the Council shall fail, neglect or be unable to select such member or fill such vacancy within thirty days after such selection should be made, the President of the Council shall appoint such elector to be a member of the Board of Education for the term hereinabove provided.

Vacancies.

SECTION 29. VACANCIES—A vacancy in any elective office, other than that of an elective member of the Board of Education, from whatever cause arising, shall be filled by appointment by the Council, such appointee to hold office until the next general municipal election, when a successor shall be chosen by the electors for the unexpired term; provided, that if the council fails to agree or for any other reason does not fill such vacancy within thirty days after the same occurs, then such vacancy shall be filled by the mayor; provided, however, that if for any reason the seats of a majority of the Council shall become vacant, then the City Clerk shall call a special election at once to fill the vacancies for the unexpired terms, and the same shall be conducted substantially in the manner provided for general municipal elections.

If any officer of the city shall remove from the city or absent himself therefrom for more than sixty days consecutively without the permission of the Council, or shall fail to qualify or shall resign or be convicted of a felony, or be adjudged insane his office shall thereupon become vacant.

FISCAL MANAGEMENT

Contract work.

SECTION 30. CONTRACT WORK—In the erection and improvement of all public buildings and works, in all street and sewer work, other than renewals or repairs, or in or about embankments or other works for protection against overflow, and in furnishing any supplies or materials for the same, when the expenditure required for the same shall exceed the sum of One Thousand Dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after notice by publication in a newspaper of general circulation published in Alameda County.

Provided, that the Council may reject any and all bids presented and may re-advertise, in their discretion, and

Provided further, that after rejecting bids the Council may declare and determine by a four-fifths vote of all its members that in its opinion the work in question may be more economically or satisfactorily performed by day labor, or the materials or supplies purchased at a lower price in the open market, and after the adoption of a resolution to this effect, it may proceed to have the same done in the manner stated without further observance of the foregoing provisions of this section; and

Provided further, that in case of a great public calamity, such as an extraordinary fire, flood, storm, epidemic or other disaster, the Council, may, by resolution passed by a vote of

four-fifths of all its members, declare and determine that public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property, and thereupon they may proceed to expend, or enter into a contract involving the expenditure of, any sum required in such emergency.

SECTION 31. PUBLIC IMPROVEMENTS AND STREET WORK—All public improvements, including the improving, widening or opening of streets or highways may be done under and in pursuance of the general laws of the state or procedure ordinance adopted by the Council or the electors, and the whole or any portion of the cost thereof paid out of the city treasury or assessed on the property benefited. Public improvements and street work.

SECTION 32. FRANCHISES—Every franchise or privilege to construct, maintain, or operate any railroad, or other means of transportation in or over any street or highway, or to lay pipes or conduits, or erect poles or wires or other structures in or across any street or highway for the transmission of gas, electricity, or other commodity, or for the use of public property or places now or hereafter belonging to the city, shall be granted under and in pursuance of the provisions of the general laws of the state relating to the granting of franchises; provided no new franchise or the renewal of an existing franchise shall be granted except upon condition that at least two per cent (2%) of the gross annual receipts derived from the use of such franchise shall be paid to the city. In all cases the applicant for a franchise shall advance the cost of advertising the same. Franchises

Every such franchise shall require the grantee to agree to a joint use of its property with others, wherever practicable, and nothing herein shall be construed as prohibiting the Council from requiring other conditions not inconsistent with the constitution or general laws. No franchise or privilege so granted shall be sold, leased, assigned or otherwise alienated without the express consent of the Council given by ordinance and subject to the referendum.

SECTION 33. BUDGET—Not later than thirty days before the time for fixing the annual tax levy, the City Auditor shall submit to the Council an estimate of the expenditures and revenues of the city departments for the ensuing year. This estimate shall be compiled from detailed information obtained from the several departments in such form as the Council may prescribe. Budget.

Sufficient copies of such estimate shall be prepared and submitted, that there may be copies on file in the office of the Council for inspection by the public unless the Council shall publish the same in a newspaper.

After duly considering the estimate and preparing the budget, the Council shall pass an ordinance or resolution levying the annual tax.

SECTION 34. BOND ISSUES—Money may be borrowed by the issue and sale of bonds, pledged on the credit of the city, for the purchase of land, the construction and equip- Bond issues.

ment of buildings including schools and other permanent public improvements and the payment or refunding of bonds previously issued. No ordinance providing for the issue of bonds shall be passed without the submission of the bonding proposition to the electors of the City at a regular or special election and the approval of a two-thirds majority of those voting thereon. No bonds shall be issued, excepting bonds for school purposes, on the credit of the City which shall increase such bonded indebtedness of the City beyond fifteen per cent of the assessed valuation of the property in the City subject to direct taxation, as shown by the last preceding valuation for city taxes. Every issue of bonds shall be payable within a term of years not to exceed the estimated period of utility of the improvement for which they are issued; and in no case to exceed fifty years, and shall be payable in equal annual serial installments, including principal and interest. Every ordinance for the issue of bonds shall provide for a tax levy for each year to meet the annual serial installments of principal and interest, and such amounts shall be included in the tax levy for each year.

Fiscal year.

SECTION 35. FISCAL YEAR—The fiscal year shall begin with the first day of July of each year and end with the last day of June of the following year.

Taxation.

SECTION 36. TAXATION—Except as otherwise herein provided, the Council, by ordinance, shall provide a system for the assessment, levy, collection and equalization of taxes, which, as nearly as may be, shall conform to the system provided by the general laws of the state; provided that all sales for delinquent taxes shall be made to the City of Piedmont. Should the Council fail to fix the tax rate within the time prescribed, then the tax rate of the previous year shall constitute the rate for the current year.

Tax limit.

SECTION 37. TAX LIMIT—The amount of the annual tax levy, exclusive of the tax to pay the interest on and maintain the sinking funds of any indebtedness of the city, and exclusive of the tax to pay for the maintenance, acquisition and improvement of parks, squares, public grounds and public libraries shall not exceed the rate of one dollar and twenty-five cents on each one hundred dollars valuation of the property assessed. The foregoing limitation shall not apply in the event of any great necessity or emergency, in which case it may be temporarily suspended, provided no increase over said limit shall be made in any fiscal year, unless authorized by ordinance adopted by vote of the people.

DEPARTMENT OF EDUCATION

Board of education.

SECTION 38. (a) The control of the School Department shall be vested in a Board of Education which shall consist of five members who shall receive no compensation. An elector of said City selected by the vote of the majority of the members of the Council as in this charter provided shall be one of the members thereof. The other four members of the Board shall be elected at large by the electors qualified

to vote, at municipal elections in the same manner and time as the members of the Council. Each of said last named members must have been a resident and tax payer of the City of Piedmont for at least two years preceding his election. Said last named members of the Board shall serve for a term of four years and until their successors are elected and qualified, provided that the members of the Boards of School Trustees and High School Trustees who shall be in office at the time this Charter shall take effect shall retain the office to which each one was elected until the time hereinafter specified. The Council shall, not more than 30 days after the ratification of the said Charter by the Legislaturc, call a special election to be held within not exceeding 30 days thereafter, at which time one new member of the Board of Education shall be elected. Such special election shall otherwise be held in all respects like a general municipal election under the provisions of this charter. At its first meeting after said special election the Council shall select a qualified elector to be a member of the Board of Education as herein provided and he shall thereupon take his seat as such. The Board of Education shall thereupon forthwith convene and the said four elective members of said first Board shall so classify themselves by lot that two of their number shall hold office until the regular municipal election to be held in the year 1926 and two of their number shall hold office until the regular municipal election to be held in the year 1924 and until their successors are elected and qualified. Thereafter two members shall be elected every two years for a term of four years.

(b) Regular meetings of the Board shall be held at such times as the Board may be prescribe, provided that at least one regular meeting shall be held in each calendar month. All meetings of the Board shall be open to the public. Meetings.

(c) The Board shall have the entire management of the public schools of the City and in addition to the powers and duties prescribed by the provisions of this Charter shall have all the powers that are now or may hereafter be conferred and discharge the duties imposed, by law upon City Boards of Education. Management of schools.

(d) An annual inspection of the accounts of the Board shall be made under the direction of the City Auditor at the expense of the City and a condensed statement of such accounts as shown by the books shall be prepared and made public in conjunction with the annual financial statement of the City. Accounts.

(e) The Board shall make such rules and regulations governing its meetings and procedure as may seem proper. A majority of the Board shall constitute a quorum, but the affirmative vote of three members shall be necessary to authorize the payment of public money or the election of a superintendent, principals, teachers and all officers and employees whom the Board is authorized to elect or appoint. Rules and regulations.

(f) Any vacancy in the elected members of the Board shall be filled by the vote of a majority of the Board until the next general city election for municipal officers, when a member Vacancies.

shall be elected to fill the unexpired term. In the event that three or more such vacancies exist at one time, sufficient vacancies shall be filled by the appointment by the County Superintendent of Schools to make a majority of such Board to act and fill the remaining vacancies. All such appointed members shall hold office for the same length of time as the appointees of the Board.

If any member of the Board of Education shall remove from the city or absent himself therefrom for more than sixty days consecutively without permission of the Board of Education or shall fail to qualify or shall resign or be convicted of a felony or be adjudged insane his office shall thereupon become vacant.

MISCELLANEOUS

Additional
duties of
officers.

SECTION 39. ADDITIONAL DUTIES OF OFFICERS—Besides the duties herein specified, all officers and boards shall perform such other appropriate duties as may be prescribed by ordinance or the general laws.

General laws
applicable.

SECTION 40. GENERAL LAWS APPLICABLE—All general laws of the state applicable to municipal corporations, now or hereafter enacted, and which are not in conflict with the provisions of this charter or with ordinances hereafter enacted, shall be applicable to the City. The Council may adopt and enforce ordinances which, in relation to municipal affairs, shall control as against the general laws of the State.

Zoning.

SECTION 41. ZONING SYSTEM—The City of Piedmont is hereby declared to be primarily a residential city and the Council shall have power to establish such zoning systems within the City as may in its judgment be most beneficial and in such zoning systems may prohibit the erection or maintenance of any class or classes of buildings within certain areas and may classify and re-classify the zones established. The Council may also prescribe the character of materials and method of construction of buildings erected within any zone area, and may establish such set-back lines as it may consider necessary and proper.

Official
records.

SECTION 42. OFFICIAL RECORDS—All books and records of every office and department shall be open to the inspection of any citizen during business hours, subject to the proper rules and regulations for the efficient conduct of the business of such department or office, provided, the records of the police department shall not be subject to such inspection except by permission of the proper police authorities.

Copies or extracts, duly certified, from said books and records open for inspection, shall be given by the officer having the same in custody to any person demanding the same and paying or tendering ten cents per folio of one hundred words for such copies or extracts, and the additional sum of twenty-five cents for certifying.

All officers, and boards shall deliver to their successors all papers, books, documents, records, archives and other prop-

erties pertaining to their respective offices or departments, in their possession or under their control.

SECTION 43. CONTINUING OFFICERS AND EMPLOYEES—Until the election or appointment and induction into office of the officers and employees in this charter provided for, the present officers and employees shall without interruption, continue to perform the duties of their respective offices and employments for the compensation provided by the existing ordinances. Continuing officers and employees.

SECTION 44. CONTINUING ORDINANCES IN FORCE—All lawful ordinances, resolutions, and regulations in force at the time this charter shall take effect and not inconsistent with its provisions, are hereby continued in force until the same shall have been duly amended, repealed or superseded. Continuing ordinances in effect.

SECTION 45. CONTINUING CONTRACTS IN FORCE—All vested rights of the city shall continue and shall not in any manner be affected by the adoption of this charter; nor shall any right, liability, pending suit or prosecution, either in behalf of or against the city, be affected by the adoption of this charter. All contracts entered into by the city prior to the taking effect of this charter shall be continued and perfected hereunder. Vested rights.

SECTION 46. WHEN CHARTER EFFECTIVE—This charter shall go into effect upon its approval by the legislature. When charter effective.

IN WITNESS WHEREOF we have hereunto set our hands the 18th day of December, 1922.

- OLIVER ELLSWORTH, President
- A. C. WAGENER, Secretary
- R. C. MACLACHLAN
- MRS. R. E. BEACH
- A. M. MERRILL
- WM. M. WHEELER
- SAMUEL H. TAYLOR
- R. C. WARNER
- J. B. RICHARDSON
- MRS. F. B. KIMBALL
- EDSON ADAMS
- JAMES TYSON
- FRANK O. NEBEKER
- THEODORE LERCH
- W. O. MORGAN

CERTIFICATE

I, the undersigned, hereby certify that the foregoing charter Certificate. was signed by a majority of the Board of Freeholders of the City of Piedmont and was filed in my office the 19th day of December, 1922.

(SEAL)

WEARE C. LITTLE,
City Clerk and Clerk of the Board of
Trustees of the City of Piedmont.

This Board of Freeholders of the City of Piedmont hereby fixes the 27th day of February, 1923, as the date for holding a special municipal election in said city at which the foregoing proposed charter for said city shall be submitted to the electors of said city for the ratification and adoption. The Board of Trustees of the City of Piedmont are hereby requested to cause publication of the foregoing proposed charter in the manner provided by law.

OLIVER ELLSWORTH, President
 A. C. WAGENER, Secretary
 R. C. MACLAUGHLAN
 MRS. R. E. BEACH
 A. M. MERRILL
 WM. M. WHEELER
 SAMUEL H. TAYLOR
 R. C. WARNER
 J. B. RICHARDSON
 MRS. E. B. KIMBALL
 EDSON ADAMS
 JAMES TYSON
 FRANK O. NEBEKER
 THEODORE LERCH
 W. O. MORGAN

We, Oliver Ellsworth, President of the Board of Trustees of the City of Piedmont, and W. C. Little, City Clerk of said City of Piedmont, do hereby further certify that the foregoing is a full, true and correct copy of the proposed charter of the City of Piedmont as prepared and proposed by a board of fifteen (15) freeholders thereof, and of the certificate of said Board of Freeholders thereto attached, and filed in the office of the City Clerk of said City on the nineteenth day of December, 1922.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the seal of the City of Piedmont, this 6th day of March, one thousand nine hundred and twenty-three.

OLIVER ELLSWORTH,
 President of the Board of Trustees
 of the City of Piedmont.

[SEAL]

W. C. LITTLE,
 City Clerk of the City of Piedmont.

Approval by
 legislature.

WHEREAS, Said Charter has been submitted to the legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment in accordance with section 8, article XI of the constitution of the State of California; now therefore be it

Resolved by the senate of the State of California, the assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the said charter, as presented to, adopted and ratified by a majority of the qualified electors of said city of Piedmont, and as hereinabove fully set forth, be and the same is hereby approved as a whole as the charter of the city of Piedmont.

CHAPTER 25.

Senate Concurrent Resolution No. 19—Approving seven certain amendments to the charter of the city of San Diego, in the county of San Diego, State of California, voted for and ratified by the electors of the said city of San Diego at a municipal election held therein on the twentieth day of March, 1923.

[Filed with Secretary of State April 2, 1923.]

WHEREAS, The city of San Diego, in the county of San Diego, State of California, contains a population of over seventy-five thousand inhabitants, and has been ever since the year 1889, and is now, organized and existing under and pursuant to a freeholders' charter adopted in accordance with and by virtue of the provisions of section eight of article eleven of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the second day of March, in the year 1889, and approved by the legislature of the State of California on the sixteenth day of May, in the year 1889; and

San Diego
city charter
amendments.

WHEREAS, The legislative body of said city, namely, the common council of said city, did, pursuant to the provisions of section eight of article eleven of the constitution of the State of California, by Resolution No. 28745, adopted January 22, 1923, and by Resolution No. 28763, adopted January 29, 1923, and by Resolution No. 28809, adopted February 5, 1923, duly propose to the qualified electors of said the city of San Diego seven amendments to the charter of said city; and

WHEREAS, Said common council did by Resolution No. 28764, adopted January 29, 1923, and Resolution No. 28810, adopted February 5, 1923, proclaim and call a special election of the qualified electors of said city, to be holden in said city on the twentieth day of March, in the year 1923, and did by said resolutions fix the twentieth day of March, in the year 1923, as the date upon which a special election would be held in said city for the purpose of submitting to the qualified voters of said city all of said amendments so proposed by said common council of said the city of San Diego by said resolutions numbered 28745, 28763 and 28809; and

WHEREAS, Said common council did on the twenty-ninth day of January, 1923, and on the fifth day of February, 1923, pass and adopt resolutions numbered 28765 and 28811, respectively, wherein and whereby all of said amendments were, in accordance with section eight of article eleven of the constitution of the State of California, duly submitted to the qualified electors of said city for their approval at said special election to be holden in said city on the twentieth day of March, in the year 1923; and

WHEREAS, Said amendment proposed by said Resolution No. 28745, of said common council of said the city of San Diego on the twenty-second day of January, 1923, was on the twenty-

San Diego
city charter
amendments.

seventh day of January, in the year 1923, and within fifteen days after the passage and adoption of said Resolution No. 28745 of said common council of said the city of San Diego proposing said amendment, published once in The Evening Tribune, the official newspaper of said the city of San Diego; and

WHEREAS, Said amendments proposed by said Resolution No. 28763 of said common council of said the city of San Diego on the twenty-ninth day of January, 1923, were and each of them was on the third day of February, 1923, and within fifteen days after the passage and adoption of said Resolution No. 28763 of said common council of said the city of San Diego proposing said amendments, published once in The Evening Tribune, the official newspaper of said the city of San Diego; and

WHEREAS, Said amendments proposed by said Resolution No. 28809 of said common council of said the city of San Diego on the fifth day of February, 1923, were and each of them was on the seventh day of February, 1923, and within fifteen days after the passage and adoption of said Resolution No. 28809 of said common council of said the city of San Diego, proposing said amendments, published once in The Evening Tribune, the official newspaper of said the city of San Diego; and

WHEREAS, Said common council of said the city of San Diego caused copies of all of said amendments to be printed in convenient pamphlet form, and from February 3, 1923, to March 20, 1923, both inclusive, a notice was published in The Evening Tribune, the official newspaper of said the city of San Diego, that copies of the amendments proposed by resolutions numbered 28745 and 28763 could be had upon application therefor at the office of the city clerk of said city, and from February 6, 1923, to March 20, 1923, both inclusive, a notice was published in The Evening Tribune, the official newspaper of said the city of San Diego, that copies of the amendments proposed by Resolution No. 28809, could be had upon application therefor at the office of the city clerk of said city; and

WHEREAS, Said special election was held in said city on said twentieth day of March, 1923, being not less than forty and not more than sixty days after the completion of the advertisement of said amendments, and of each of them in the official newspaper of said the city of San Diego, being The Evening Tribune; and

WHEREAS, Said amendments were, pursuant to the terms of said resolutions numbered 28765 and 28811 duly submitted to the qualified voters of said the city of San Diego at said special election held on the twentieth day of March, in the year 1923; and

WHEREAS, On the twenty-second day of March, in the year 1923, at a regular meeting of said common council of said city, said common council duly and regularly canvassed the returns of said election, and duly declared the result thereof, and said common council did thereby find and determine, and this legislature finds and determines that those certain amendments

proposed in said resolutions numbered 28745, 28763 and 28809, and submitted to the qualified electors of said city by resolutions numbered 28765 and 28811, respectively, were and each of them was duly and regularly ratified by a majority of the qualified voters voting on each of such amendments; and

WHEREAS. Such charter amendments and each of them so ratified by the qualified voters of said the city of San Diego at said special election are now submitted to the legislature of the State of California for approval or rejection as a whole, without power of alteration, in accordance with the provisions of section eight of article eleven of the constitution of the State of California, which amendments so ratified by the qualified electors of said the city of San Diego are in the words and figures as follows, to wit:

Amend Chapter I of Article V of the City Charter, so as to read as follows:

“CHAPTER I.

Section 1. All executive and administrative powers relating or pertaining to the water development system located outside the territorial limits of The City of San Diego, and heretofore vested in the Water Development Department and Board of Water Commissioners, is hereby vested in the Operating Department of said City.

Operating department, transfer of powers to.

Section 2. The Operating Department shall have charge and supervision of the conservation and impounding of water by said City, and of the water, water rights, water works, water impounding system, and other properties of said City used in the development of said water impounding system, subject to the legislative control of the Common Council. The Operating Department shall have such additional powers and duties as the Common Council may by ordinance confer upon it.

Control of water development.

Section 3. The Manager of Operation shall have power to employ, subject to such Civil Service regulations as are now or may hereafter be in force, such employees as may be deemed necessary by the Common Council for the government, care, control, management and improvement of the water system of The City of San Diego, both within and without the territorial limits of said City.

Employees.

Section 4. There is hereby created in the City Treasury a Water Depreciation Fund, which said fund shall consist of not less than ten per cent. of the gross receipts derived from the sale of water by The City of San Diego, and such other moneys as may be transferred into said fund. Said fund shall be used exclusively for the replacement of depreciated property used in connection with the maintenance and development of the water system of The City of San Diego.

Water depreciation fund.

Section 5. The Common Council shall have power to pass and adopt such rules and regulations as it may deem necessary for the regulation, use and government of the water system of The City of San Diego, and such rules and regulations having been adopted by ordinance shall have the force

Rules and regulations.

and effect of law, and a violation of any such rules and regulations is hereby declared to be a misdemeanor. Any person wilfully violating any of the rules and regulations established by ordinance of the Common Council for the government, control and management of the water system of The City of San Diego, whether within or without the territorial limits of said City, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the County Jail for a term not exceeding six months, or by a fine not exceeding five hundred dollars (\$500.00), or by both such fine and imprisonment."

Amend Section 5, Chapter VII, Article V of the City Charter to read as follows:

Tax levy
for parks.

Zoological
exhibit.

"Section 5. That the said Common Council shall levy annually, in addition to all other taxes provided for in this Charter, not less than ten cents nor more than sixteen cents on each one hundred dollars valuation of property, for the purpose of maintaining and improving said parks, plazas and squares. At least one cent on each one hundred dollars valuation of property of this special tax shall be used by said Board of Park Commissioners exclusively for the maintenance of a zoological exhibit."

Amend Article X of the City Charter, by adding a new section thereto, to be known and numbered as Section 26, which said section shall read as follows:

Tax levy
for street
trees.

"Section 26. In addition to all other taxes authorized and provided for in this Charter, the Common Council shall levy annually not less than one cent on each one hundred dollars valuation of property assessable for taxation purposes by the City for the purpose of planting and maintaining trees along the streets and boulevards in the City of San Diego. The supervision of such planting, care and upkeep of said trees shall be vested in the Operating Department of said City."

Amend Chapter II, Article II of the City Charter by adding a new section thereto, to be known and numbered as Section 4, which said section shall read as follows:

Destruction
of weeds.

"Section 4. The Common Council shall have power by ordinance to declare noxious or dangerous weeds growing upon the streets or sidewalks in The City of San Diego, or upon private property within The City of San Diego, or rubbish or refuse upon private property in said City which may be a menace to the public health or which may tend to produce fire, to be a public nuisance, and to provide in said ordinance the manner and method of abating said nuisance, and to create a lien upon the property fronting upon such street or sidewalks or upon which such nuisance exists, for the cost of abating the same."

Amend Section 9 of Chapter II, Article II of the City Charter so as to read as follows:

“Section 9. Every franchise or privilege to construct or operate street or interurban railroads upon any public street, highway or public property, hereafter proposed to be granted by said Common Council, shall be granted for a period of not greater than fifty (50) years, upon the terms and conditions as follows, and not otherwise:

Franchises.

Term.

An applicant for any franchise or privilege above mentioned shall file an application therefor with said Common Council, and thereupon said Common Council shall in its discretion advertise the fact of said application, together with a statement that it is proposed to grant the same, as applied for or as changed by said Common Council, in the official newspaper of said City. Said advertisement must state that bids will be received for such franchise and that it will be awarded to the highest bidder, and the same must be published in such newspaper once a day for ten successive days. The full publication must be completed not less than twenty days nor more than thirty days before any further action can be taken thereon.

Application.

Advertisement.

The publication must state the character of the franchise or privilege proposed to be granted, the term for which it is granted, and, the route to be traversed; that sealed bids therefor will be received up to a certain hour and day named therein, and that the successful bidder and his assigns must, during the life of said franchise, pay to the said City two per cent (2%) of the gross annual receipts of the person, partnership or corporation to whom the franchise is awarded, arising from its use, operation or possession. No percentage shall be paid for the first five (5) years succeeding the date of the franchise, but thereafter such percentage shall be payable annually; and in the event said payment is not made, said franchise shall be forfeited; provided, further, that if the franchise be a renewal of a right already in existence the payment of said percentage of gross receipts shall begin at once.

Publication must state what.

In case the franchise granted shall be an extension of an existing system of street railroad, then the gross receipts shall be estimated to be one-half of the proportion of the total gross receipts of said system which the mileage of such extension bears to the total mileage of the whole system, and said estimate shall be conclusive as to the amount of the gross receipts of said extension.

If an extension.

Said advertisement shall also contain a statement that the said franchise will be struck off, sold and awarded to the person, firm or corporation who shall make the highest cash bid therefor; provided, only, that at the time of the opening of said bids any responsible person, firm or corporation present or represented may bid for said franchise or privilege, a sum not less than ten per cent. above the highest sealed bid therefor, and said bid so made may be raised not less than ten per cent. by any other responsible bidder, and said bidding may so continue until finally said franchise shall be struck off, sold, and awarded by said Common Council to the highest bidder there-

Sale to highest bidder.

for in gold coin of the United States. Each sealed bid shall be accompanied with cash or a certified check, payable to the treasurer of said City, for the full amount of said bid, and no sealed bid shall be considered unless said cash or check is enclosed therewith and the successful bidder shall deposit, at least, ten per cent. of the amount of his bid with the Clerk of said City before the franchise shall be struck off to him. And if he shall fail to make such deposit immediately, then and in that case, his bid shall not be received, and shall be considered as void, and the said franchise shall then and there be again offered for sale to the bidder who shall make the highest cash bid therefor, subject to the same conditions as to deposit, as above mentioned. Said procedure shall be had until said franchise is struck off, sold, and awarded to a bidder who shall make the necessary deposit of at least ten per cent. of the amount of his bid therefor, as herein provided. Said successful bidder shall deposit with the Clerk of said City, within twenty-four hours after the acceptance of his bid, the remaining ninety per cent. of the amount thereof, and in case he or it shall fail to do so, then the said deposit theretofore made, shall be forfeited, and the said award of said franchise shall be void, and the said franchise shall then and there, by said Common Council, be again offered for sale to the highest bidder therefor, in the same manner, and under the same restrictions as hereinbefore provided, and in case said bidder shall fail to deposit with the Clerk of said City, the remaining ninety per cent. of his bid, within twenty-four hours after its acceptance, the award to him of said franchise shall be set aside, and the deposit theretofore made by him shall be forfeited, and no further proceedings for a sale of said franchise shall be had unless the same shall be readvertised and again offered for sale, in the manner hereinbefore provided.

Construction
of railroads.

Work to construct railroads along or upon any public street or highway, a franchise for which shall have been granted in accordance with the terms of this section, shall be commenced in good faith within not more than four months from the granting of any such franchise, and if not so commenced within said time said franchise so granted shall be declared forfeited, and shall be completed within not more than three years thereafter, and if not so completed within said time said franchise so granted shall be forfeited; provided, that for good cause shown the Common Council may by resolution extend the time for completion thereof, not exceeding three months.

Paving
right of way.

The owner of the franchise or privilege shall at all times keep that portion of the street occupied by his or its tracks in good condition, constantly in repair, flush with the street, and with good crossings, and in the event that the street on which said franchise or privilege is granted shall be paved either by the City or under proceedings authorized by the General Laws of the State, the said owner of said franchise or privilege shall be required to pay for only that portion of any construction in excess of that covered by the specifications for the improvement of the rest of the street and which shall be necessary to

provide a safe and suitable foundation for the operation of car lines over a paved street. It is the intent and purpose of this section to relieve the owner of a franchise or privilege to operate street cars on the streets of The City of San Diego of the cost of new surface pavement between the tracks of said owner and for two feet on either side thereof on streets to be hereafter paved, and to require the owner of said franchise or privilege to lay a suitable foundation for the operation of car lines over a paved street.

Nothing herein contained, however, shall relieve the said owner of said franchise or privilege of his or its obligation to keep those portions of the streets occupied by the said owner constantly in repair flush with the street, and with good crossings, and to keep that portion of the pavement now existing or which may hereafter be placed between the rails, and for two feet on each side thereof, and between the tracks if there be more than one, in good condition.

Repair of
right of way.

In the event that a street on which a franchise under this section shall have been granted shall be paved or improved under any of the General Laws in force at the time said improvement is started, the property owners shall be required to bear the entire cost of the improvement of the street including the cost of improving that portion of the street occupied by the owner of said franchise, save and except that portion required to be borne by the owner of the franchise, as hereinbefore provided.

Cost of
paving.

The said Common Council shall have power to regulate the rate of speed, and pass ordinances to protect the public from danger or inconvenience in the operation of such roads, and the rates of fare and charges for transporting passengers and goods thereon shall be subject to the regulation by said Common Council.

Rates of
speed, fare
and charges.

Two or more lines of street railway, operated under different managements, may by lease or contract, use the same street or tracks upon such terms as may have been agreed upon between the companies operating such railways; and two lines of street railway operated under different managements may be permitted to use the same street or tracks for a distance of five blocks without such lease or contract, upon payment of an equal portion for the construction of the tracks and appurtenances used by said railways jointly; but in no case shall a company owning or operating one line of street railway be permitted to condemn the right to occupy and use the same street or tracks for a distance of more than five blocks consecutively.

Joint use
of streets
or tracks.

The successful bidder for any franchise or privilege struck off, sold, and awarded under this section shall file a bond running to said City, with, at least, two good and sufficient sureties, to be approved by said Common Council, in a penal sum by it to be prescribed and set forth in the advertisement for bids, conditioned that such bidder shall well and truly observe, fulfill and perform each and every term and condition of such franchise, and that in case of any breach of condition

Bond for
faithful
performance.

of such bond, the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages, and shall be recoverable from the principal and sureties upon said bond. Said bond shall be filed with said Common Council within five days after such franchise is awarded, and upon the filing and approval of such bond, the said franchise shall, by said Common Council, be granted by ordinance to the person, firm or corporation to whom it has been struck off, sold, or awarded, and in case that said bond shall not be so filed the award of such franchise shall be set aside, and any money paid therefor shall be forfeited, and said franchise shall, in the discretion of said Common Council, be readvertised, and again offered for sale in the same manner, and under the same restrictions, as hereinbefore provided.

Unrestricted
bidding.

No clause or condition of any kind shall be inserted in any franchise or grant offered or sold under the terms of this section, which shall directly or indirectly restrict free and open competition in bidding therefor, and no clause or provision shall be inserted in any franchise offered for sale, which shall in any wise favor one person, firm or corporation, as against another, in bidding for the purchase thereof."

Amend Chapter I, Article II of the City Charter, by adding a new section thereto, to be known and numbered as Section 26, which said section shall read as follows:

"SECTION 26.

Two shifts
in fire
department.

1. (a) The uniform force of the San Diego Fire Department shall be divided into two divisions, one to perform duty days, and one to perform duty nights. The day shift shall perform duty for a consecutive period of ten hours, and the night shift shall perform duty for a consecutive period of fourteen hours, except on change of shifts, when each shift shall alternately stand duty for a period of twenty-four hours, while the opposite shift is off duty, and such change of shifts shall be made every third day except in cases of public emergency.

2. FIREMEN'S RELIEF AND PENSION FUND.

Firemen's
relief and
pension fund.

(a) There is hereby created the Firemen's Relief and Pension Fund in the City Treasury, into which shall be placed all moneys designated by this charter to be paid into said fund. This fund shall constitute a trust fund for the benefit of the members of the San Diego Fire Department, and shall be used exclusively for the payment of pensions under the terms and provisions of this charter. No expenditure shall be made from said fund except on order of the Board of Trustees of the Firemen's Relief and Pension Fund.

Board of
trustees.

(b) The Chief Engineer of the San Diego Fire Department, the City Treasurer, and one other member of said Department with at least seven years service in the Department, and not below the rank or rating of Lieutenant, and their successors in office, shall be and are hereby constituted and appointed as a Board of Trustees of the Firemen's Relief

and Pension Fund. The elective member of this Board shall be chosen by ballot at an election to be held on the third Monday in April, 1923, and every two years thereafter, at which election all Firemen in good standing in the San Diego Fire Department shall be entitled to vote. The election provided for in this subdivision shall be under the secret ballot system, and held on the third Monday in April, at such place or places as the Board of Trustees shall direct, and under such rules and regulations as they shall prescribe. In the event of death, resignation, failure or inability of any member of said Board to act, if his position be elective, his successor shall be chosen at a special election, which shall be called by said Board within thirty days of the time the vacancy is declared, and shall be conducted in the same manner as the regular election. The elective member of this Board may be recalled by a majority vote of all members of the Fire Department, and upon petition of twenty-five per cent. of the members of the Department, the Board of Trustees shall call an election to recall such person, and if said officer is removed from office, said Board shall call an election within ten days to fill such vacancy, and such election shall be conducted as herein provided for.

(c) The Treasurer of said Firemen's Relief and Pension Fund shall be placed under a bond of not less than ten thousand dollars (\$10,000.00), which can be increased if the Board of Trustees sees fit, and all expense incidental thereto shall be met from said fund. Treasurer's bond.

(d) The Board of Trustees of the Firemen's Relief and Pension Fund is hereby authorized to invest said fund in approved United States Government, State of California, local municipal or county bonds; provided, however, that at no time shall more than half of the available funds be invested, until said funds shall reach one hundred thousand dollars (\$100,000.00), and at no time shall more than two-thirds of the total amount of said fund be so invested; and in any event enough money shall always be kept in said fund sufficient to meet the pension payments provided for in this charter. Investment of fund.

(e) The Chief Engineer shall be the ex-officio President of the Firemen's Relief and Pension Fund, and the City Treasurer of The City of San Diego shall be ex-officio Treasurer of the Firemen's Relief and Pension Fund, and said Board shall order payments therefrom in accordance with the provisions of this section. Said Board of Trustees shall report annually in the month of December, to the Common Council, the condition of the Firemen's Relief and Pension Fund, and the receipts and disbursements on account of same, with a full list of beneficiaries of said Fund, and the amounts paid them. Officers.

(f) The Board herein provided for shall hold quarterly meetings on the first Monday of January, April, July and October, of each year, and upon the call of its President. The time and place of such meetings shall be posted on the Bulletin Board at the Fire Department Headquarters at least seven Annual report.
Meetings.

Warrants.

days before each meeting. It shall issue warrants signed by the President, Treasurer and Secretary, to the persons entitled thereto, of the amount of money ordered paid to such persons from said Fund by said Board, which warrants shall be drawn quarterly and paid monthly as they become due. The Board shall keep a record of all proceedings, which record shall be a public record. A majority of all the members provided for in this section shall constitute a quorum, and have power to conduct business.

Record.

Additional powers.

(g) The Board herein provided for shall, in addition to other powers granted hereby, have power, first, to compel witnesses to attend and testify before it upon all matters connected with the operation of this section, in the same manner as is or may be provided for by law for the taking of testimony before Notaries Public. Second, to appoint a Secretary, and provide for the payment from said funds of all its necessary expenses, including the employment of a Secretary, and for necessary clerical work; provided, that no compensation shall be paid to any member of said Board for any duty required or performed under this Section. Third, to make all needful regulations and rules for its guidance in conformity with the provisions of this section.

Deduction from pay.

23. (a) The Auditor of The City of San Diego shall retain from the pay of each regular member or employee, except temporary laborers or employees, of the Fire Department a sum equal to one per cent. (1%) of the amount paid the said member or employee, and all fines imposed upon members of the Fire Department in keeping with the rules and regulations of said Department, to be forthwith paid into said Firemen's Relief and Pension Fund, and no other or further retention or reduction shall be made from such pay for any other fund.

Payments from general fund.

(b) The Common Council shall, except as hereinafter provided, for the purpose of said Firemen's Relief and Pension Fund herein provided for, direct the payment, annually, from the General Fund of the City, into the Firemen's Relief and Pension Fund, of the following moneys:

(1) All rewards given or paid to members of the Fire Department force, while in the discharge of Fire Department duty;

(2) All fines imposed and collected for the violation of laws pertaining to prevention of fire, turning in false alarms, running over fire hose, or any other violation of laws relating to the Fire Department;

(3) A sum equal to the amount paid into the Firemen's Relief and Pension Fund by members of the Fire Department each year, as required under Paragraphs 1 and 2 of this subdivision, during the next preceding year, and such further sum each year as may be required for the maintenance of said Firemen's Relief and Pension Fund.

Limit.

Provided, however, that whenever said Firemen's Relief and Pension Fund contains a sum of money amounting to one thousand dollars (\$1000.00) for each and every member of the Fire Department, then and in that event all payments,

into said Firemen's Relief and Pension Fund provided for in this subdivision (b) shall cease, and shall only be resumed in the event that said fund shall be decreased below the amount herein specified.

3. (a) On the last day of November of each year, or as soon thereafter as practicable, the Board of Trustees shall make a report to the Common Council of all moneys paid out on account of such Firemen's Relief and Pension Fund during the year, and of the amount then to the credit of said Fund. Annual report to council.

(b) All payments provided for in this section shall be made monthly and upon proper vouchers.

(c) All pensioners shall have their pensions increased or decreased to meet the prevailing scale of salary in the Fire Department from time to time.

4. (a) Whenever any person who shall have been duly appointed, selected or sworn, and shall have served for twenty years or more in the aggregate as a member in any rank or capacity of the regularly constituted force, or any department of said force provided for by this section, the Board of Trustees shall, upon the written request of any member, or his guardian, or without such request if it deem it for the good of the service, retire such member from further service in the Fire Department; and from the date of making such order, the service of such person shall cease, and the person so retired shall thereafter during his lifetime be paid from the regular funds of the Firemen's Relief and Pension Fund a yearly pension equal to one-half the amount attached to the rank held by him for one year or more previous to the time of his retirement. Retirement of firemen.

(b) Upon the death of said pensioner, one-third of the amount of his annual salary shall be paid to his widow, until she marries again, and in no case shall such pension exceed seventy-five dollars (\$75.00) per month, and if no widow, each child under sixteen years of age, if they are not married, shall receive twenty dollars (\$20.00) per month, but in no case shall pensions exceed the sum of seventy-five dollars (\$75.00) per month for one family; and if no children, one-third of his annual salary, not to exceed fifty dollars (\$50.00) per month shall be paid to a dependent mother or father, and any dependent orphaned sister or brother under sixteen years of age, and unmarried, shall receive twenty dollars (\$20.00) per month, but in no case to exceed fifty dollars (\$50.00) per month for the family; provided, however, if such pensioner was pensioned under subsection 4, subdivision (a), or subsection 6 of this section, the widow shall not be entitled to any pension unless she was married to said pensioner three years previous to the time of such retirement. In the event of the widow receiving a pension, and refusing to provide for dependent child or children, or other dependents provided for in this section, the Board of Trustees, upon satisfactory proof, shall have the power to divide the pension as it may deem proper. In the event that a member of the San Diego Fire Department who has been pensioned for disability shall marry Service pension. Pension following death.

after being placed on the pension list, upon the death of such member his widow shall not be entitled to any pension under the terms of this section.

Death in
line of duty.

5. (a) Whenever any member of the Fire Department force shall lose his life in the performance of duty, or shall die from heart trouble or pneumonia, or any other sickness peculiar to the work of a Fireman, his dependents shall receive a pension, as provided for in Sub-section 4 of this Section.

Total dis-
ability, etc.,
not in line
of duty.

(b) Whenever any member of the Fire Department shall after the length of service stated below become totally disabled or die from any sickness or accident not the result of the performance of duty, he or his widow, and if no widow, his dependent child or children under sixteen years of age and unmarried, and if no children, his dependent mother or father, or unmarried dependent sister or brother under sixteen years of age, shall be paid from the pension fund as follows:

After five years but not exceeding six years service,	\$100.00;
After six years but not exceeding seven years service,	200.00;
After seven years but not exceeding eight years service,	300.00;
After eight years but not exceeding nine years service,	400.00;
After nine years but not exceeding ten years service,	500.00;
After ten years service,	1,000.00.

Disabled in
line of duty.

(c) Whenever any regular employe of the Fire Department shall become disabled in the line of duty, the Board of Trustees shall retire such person in accordance with the provisions of Sub-section 4 of this Section; provided, however, that if such disability shall cease he shall, upon the recommendation of the Chief Engineer be restored to active duty, with the rank or rating or salary equal to that held at the time of retirement.

Retirement
of call men.

(d) Any member who has served for twenty-five years continuously as a Call Man may be retired at his own request, and receive during his lifetime, a sum equal to one-half the monthly pay received by him one year previous to the time of his retirement.

(e) Every member of the regular Fire Department who previously served as a Call Man may be credited on his service with one year for every two years service as a Call Man.

(f) Call men who shall become totally disabled, or who shall lose their lives in the line of duty shall be pensioned as Probationary Firemen, and their dependents shall enjoy all the benefits of Sub-section 4 of this Section.

Fifteen years
service.

6. Any member having served fifteen years in the San Diego Fire Department shall be entitled to all the provisions of Sub-section 4 of this Section, except in case of being removed from the Fire Department for habitual drunkenness, conviction of a felony, or notorious and consecutive insubordination.

Emergency
work.

7. Any person retired for disability under this Section may be summoned before the Board herein provided for at any time, and shall submit himself for examination as to fitness for duty, and abide by the decision of, and order of, said Board with reference thereto; and all members of the Fire

Department who shall be retired under the provisions of this Section, or their beneficiaries, shall report to the Chief Engineer, either in person, or in writing, on the first Monday in January, April, July and October of each year, and in cases of great public emergency may be assigned to and perform such duties as the Chief of the Fire Department shall direct, except members pensioned under Sub-section 4, subdivision (a), and Sub-section 6. No pensioner of the Fire Department shall be compelled to work in any other department of The City of San Diego.

8. No person shall be retired for disability under the provisions of this section, or receive any benefit therefrom, unless there shall be filed with the Board certificates of disability which shall be sworn to by the Fire Department Physician, and two other regularly licensed physicians of The City of San Diego, and the person whose retirement is contemplated shall have the right to select one of the physicians if he chooses to do so. Said Board may require other evidence of disability before ordering such retirement, but upon satisfactory evidence of disability, said Board shall retire such person.

Evidence of disability.

9. Whenever any person who shall receive any benefit from the Firemen's Relief and Pension Fund, as provided herein, shall fail to report himself as required in this section, after having received written notice of such failure to report, and upon satisfactory proof that said person received said notice, or shall disobey the requirements of said Board under this section with the intention of being insubordinate, then said Board shall order that the pension allowance of such person shall immediately cease, and such person shall receive no further benefit, allowance or pension under this charter; provided, however, that no part of this sub-section shall apply to members pensioned under Sub-section 4, Subdivision (a) and Sub-section 6 of this Section.

Failure to report.

10. All persons who were receiving pensions prior to the adoption of this section of the Charter shall be entitled to all of the privileges of this section.

11. Any member pensioned under Sub-section 4 of this section shall in no way be deprived from holding public office, either appointive or elective.

12. That the provisions of Ordinance No. 4979 of the ordinances of The City of San Diego, entitled, 'An Ordinance reorganizing the San Diego Fire Department, and providing for a Firemen's Relief and Pension Fund,' adopted by vote of the electors of said City April 8, 1913, as contained in Sections 11 to 24, inclusive, be, and the same are hereby repealed."

Amend Chapter I, Article II, of the City Charter, by adding a new Section thereto, to be known and numbered as Section 27, which said section shall read as follows:

"SECTION 27.

1. (a) There is hereby created the Police Relief and Pension Fund in the City Treasury, into which shall be placed all moneys designated in this charter to be paid into such

Police relief and pension fund.

fund. This fund shall constitute a trust fund for the benefit of the members of the San Diego Police Department, and shall be used exclusively for the payment of pensions under the terms and provisions of this charter. No expenditure shall be made from such fund except on order of the Board of Trustees of the Police Relief and Pension Fund.

Board of trustees.

(b) The Chief of Police of the San Diego Police Department, the City Treasurer of The City of San Diego, and one member of said department who has had at least seven years of continuous service in said department and who holds a position not lower than the rank of Lieutenant, to be elected as hereinafter provided, and their successors in office, shall be and they are hereby constituted and appointed as the Board of Trustees of the Police Relief and Pension Fund. The elective member of said Board shall be chosen by ballot at an election to be held on the first Thursday after the first Monday in April of 1923, and every two years thereafter at the same time, at which election all police officers in good standing in the San Diego Police Department shall be entitled to vote. Said election shall be by secret ballot at a place designated by the Board of Trustees and shall be conducted in accordance with such rules and regulations as may be prescribed by said Board of Trustees.

In the event of the death or resignation of the elective member of said Board, or in the event of said member becoming ineligible for any reason to act on said Board, his successor shall be chosen at a special election which shall be called by said Board within thirty (30) days from the time of the death or resignation of said member, or of the date of his ineligibility. Said election shall be conducted in the same manner as provided for the regular election.

Treasurer's bond.

(c) The Treasurer of said Police Relief and Pension Fund shall be placed under a bond of not less than ten thousand dollars (\$10,000.00) which may be increased at the will of the Board of Trustees, the premium of such bond to be paid from the Police Relief and Pension Fund.

Investment of fund.

(d) No money from said Police Relief and Pension Fund shall be invested in any securities other than approved United States Bonds, Bonds of the State of California, or local municipal or county bonds, provided that at no time shall more than one-half of the available funds be invested in any way whatsoever until there shall be in said fund at least one hundred thousand dollars (\$100,000.00), and at no time shall more than two-thirds of the total amount of said fund be invested.

Officers.

(e) The Chief of Police shall be the ex-officio President of the Police Relief and Pension Fund, and the City Treasurer of The City of San Diego shall be the ex-officio Treasurer of the Police Relief and Pension Fund, and said Board shall order payments from said fund in accordance with the provision of this article. Said Board of Trustees shall report annually in the month of December to the Common Council of The City of San Diego, the condition of the Police Relief

Annual report.

and Pension Fund, and the receipts and disbursements on account of the same, with a full list of beneficiaries of said fund and the amount paid them.

(f) Said Board shall provide for quarterly meetings on the second Monday in January, April, July and October, each year, upon the call of the President. The time and place of such meetings shall be posted on the bulletin board at the Police Headquarters at least seven (7) days prior to each meeting.

Meetings.

(g) Said Board shall issue warrants, signed by the President, Treasurer and Secretary, to all persons entitled thereto, for the amount of money due to said persons from said fund, which warrants shall state for what purpose such payment is to be made. Warrants shall be drawn quarterly and paid monthly as they become due. Said Board shall keep a record of all proceedings, which record shall be a public document. A majority of all of the members provided for in this article shall constitute a quorum and have power to transact business.

Warrants.

Record.

(h) The Board herein provided for shall, in addition to other powers granted hereby, have power, first, to compel witnesses to attend and testify before it on all matters affecting the Police Relief and Pension Fund, in the same manner as is or may be provided for by law for the taking of testimony before Notaries Public; second, to appoint a secretary and provide for the payment from said fund of all of its necessary expenses, including the Secretary's hire and printing; provided, that no compensation shall be paid to any member of said Board for any duty required or performed under this Section; third, to make all needful regulations and rules for its guidance not in conflict with the provisions of this section.

Additional powers.

2. (a) The Auditor of The City of San Diego shall retain from the pay of each regular member or employee of the Police Department, a sum equal to one per cent. (1%) of the salary paid to said member or employee, and all fines imposed upon members of the police department in keeping with the rules and regulations of said Department, to be forthwith paid into said Police Relief and Pension Fund, and no other or further retention or reduction shall be made from such pay of any member or employee of the Police Department to said Fund.

Deductions from pay.

(b) The Common Council shall, for the purposes of said Police Relief and Pension Fund herein provided for, except as hereinafter provided, direct the payment annually, from the General Fund of The City of San Diego, into the Police Relief and Pension Fund, of the following moneys:

Payments from general fund.

(1) One-third (1/3) of all rewards given or paid to members of the Police Department because of or in recognition of the performance of official duty;

(2) One-third (1/3) of all fines collected in the City Police Court in The City of San Diego, for a violation of any law, except such fines as may be collected for the violation of laws relating to the government and operation of the San Diego

Fire Department, and such laws as relate to the protection of the City against fire.

(3) Five per cent. (5%) of all revenues derived from licenses granted by The City of San Diego where said licenses are directly under the supervision of the Police Department.

(4) For the payment of a sum equal to all revenue paid into the Police Relief and Pension Fund by members or employees of the Police Department as provided for in this Section, said sum to be equal to the amount retained by the Auditor of the City of San Diego during the next preceding year; and all such further sum or sums as shall be required for maintenance of said Police Relief and Pension Fund.

Limit.

Provided, however, that whenever said Police Relief and Pension Fund contains a sum of money amounting to one thousand dollars (\$1,000.00) for each and every member of the Police Department, then and in that event all payments into said Police Relief and Pension Fund provided for in this subdivision "B" shall cease, and shall only be resumed in the event that said Fund shall be decreased below the amount herein specified.

Annual report to council.

3. (a) On the last day of November of each year, or as soon thereafter as practicable, the Board of Trustees shall make a report to the Common Council of all moneys paid out on account of said Police Relief and Pension Fund during the current year, and of the amount then to the credit of said Fund.

(b) All payments provided for in this Section shall be made monthly and upon proper vouchers.

(c) All pensioners shall have their pensions increased or decreased to meet the prevailing scale of salary in the Police Department from time to time.

Retirement of policeman

4. (a) Whenever any person who shall heretofore have qualified as hereinafter provided, shall have been duly appointed, selected and sworn, and have served for twenty (20) years or more, in the aggregate, as a member or employee, in any rank or capacity, in the Police Department of The City of San Diego, the Board of Trustees shall, upon the written request of such or any member, or without such request if it deem it for the good of the service, retire such member from further service in the Police Department; and from the date of such order of retirement the service of such person shall cease and he shall thereafter, during his life-time, be paid from the Police Relief and Pension Fund a yearly pension equal to one-half (1/2) the amount attached to the rank or employment held by said person for one year or more previous to the time of his retirement, payable to him in monthly installments.

Service pension.

Pension following death.

(b) Upon the death of said pensioner, one-third (1/3) of the amount of his annual salary shall be paid to his widow, until she remarries, but in no case shall such pension exceed seventy-five dollars (\$75.00) per month; and if there be no widow, each child under sixteen (16) years of age, if unmarried, shall receive twenty dollars (\$20.00) per month, but in

no case shall such pension exceed the sum of seventy-five dollars (\$75.00) per month for one family; and if no widow or children, one-third ($1/3$) of his annual salary, not to exceed fifty dollars (\$50.00) per month, shall be paid to his mother or father, if either of them were dependent upon him during his life-time; and if no mother and father, then to any sister or brother under the age of sixteen (16) years and unmarried, who was dependent upon him during his life-time, so long as said sister or brother are under the age of sixteen (16) years and dependent.

Provided, however, if such pensioner was pensioned for service for twenty years or more the widow shall not be entitled to any pension unless she was married to said pensioner at least three years previous to the time of his retirement. If the widow of a pensioner, entitled to a pension, shall refuse to provide for a dependent child or children, or other dependent provided for in this Section, the Board of Trustees, upon satisfactory proof thereof, shall have the power to provide for said dependent child or children or other dependent, and to deduct such amount from the pension of said pensioner as may in the judgment of the Board be proper and necessary.

5. Whenever any member of the said Police Department shall lose his life while in the performance of his duty, or shall die as a direct result of any injury received during the performance of his duty, or shall die from sickness contracted by reason of the proper performance of his duty, then, upon satisfactory proof of such fact or facts, said Board of Trustees shall order paid and pay an amount equal to one-third ($1/3$) of his annual salary to his widow until she remarries, but in no case shall such pension exceed the sum of seventy-five dollars (\$75.00) per month, and if there be no widow, each child under the age of sixteen (16) years, if unmarried, shall receive twenty dollars (\$20.00) per month, but in no case shall such pension exceed the sum of seventy-five dollars (\$75.00) per month for one family; and if no widow or children, one-third ($1/3$) of his annual salary, not to exceed fifty dollars (\$50.00) per month, shall be paid to his mother or father if either of them were dependent upon him during his lifetime; and if no mother or father, then to any sister or brother under the age of sixteen (16) years and unmarried, who was dependent upon him during his life-time, so long as said sister or brother are under the age of sixteen (16) years and dependent.

6. Whenever any regular member or employee of the Police Department shall become physically or mentally disabled by reason of bodily injuries received in, or by reason of sickness caused by, the discharge of his duty, or as a result thereof, to such an extent as to render necessary his retirement from active service, said Board of Trustees, upon determining such necessity for retirement, shall retire such member or employee and cause to be paid to him a pension equal to one-half ($1/2$) of the salary paid to him at the time the disability was

incurred. If such disability shall cease he shall, upon recommendation of the Chief of Police, be restored to such active duty as he is able to perform, and such pension shall terminate. In the event of the death of such pensioner the pension shall be paid to his dependents in accordance with the provisions of Subdivision 5 hereof.

Any pension or relief payment provided for herein shall cease immediately upon the death of the person receiving the same. Any payment made hereunder to dependents of a member shall cease upon the death or marriage of such dependents, or upon the attainment of the age of sixteen (16) years by such dependent other than the widow or father or mother.

Total disability not in line of duty.

7. Whenever any member of the Police Department shall, after the years of service stated below, become totally disabled or die from any sickness not the result of the performance of duty, he, or his widow, and if no widow, his dependent child or children, under the age of sixteen years and unmarried, and, if no children, his dependent mother or father, or sister or brother under sixteen years of age and unmarried, shall be paid from the Pension Fund the following amount:

For 5 years but not exceeding 6 years service,	\$100.00
For 6 years but not exceeding 7 years service,	200.00
For 7 years but not exceeding 8 years service,	300.00
For 8 years but not exceeding 9 years service,	400.00
For 9 years but not exceeding 10 years service,	500.00
For 10 years service,	1,000.00

Evidence of disability.

8. No person shall be retired as provided in the preceding subdivisions of this section, or shall receive any benefit from said fund, unless there shall have been filed with the Board of Trustees, prior to the granting of any such pension, certificates of disability, which certificates shall be subscribed and sworn to by such person, and by three regularly licensed practicing physicians of said City, one of whom shall be the City Health Officer, one to be selected by said Board of Trustees, and one by the person applying for such pension. All costs incurred in obtaining any such certificate or for the making of any examination of any applicant for any such pension by any physician other than a physician employed by The City of San Diego, shall be paid by said applicant. Said Board of Trustees may require other evidence of disability before granting any such pension as aforesaid.

Forfeiture of rights.

9. Any member of the Police Department, receiving a pension from such Fund, who shall be convicted of a felony, or shall become dissipated, or a habitual drunkard, or shall become a non-resident of this state except by written permission of the Board of Trustees, shall forfeit all rights to such pension. Any person retired for disability as herein provided, except those retired after twenty (20) years service, may be summoned before the Board provided for herein, at any time thereafter and shall submit himself thereto for examination as to his fitness for duty, and shall abide by the

Examination for duty.

ment in accordance with section eight of article eleven of the constitution of said state; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting therefor and concurring therein, that said amendments to the said charter herein set forth as proposed and submitted to and adopted and ratified by the qualified electors of said city, be, and the same are, and each of them is, hereby approved as a whole, without amendment or alteration, for and as amendments to, and as part of, the charter of said the city of San Diego.

CHAPTER 26.

Senate Joint Resolution No. 1—Relative to the insufficiency of transportation.

[Filed with Secretary of State April 2, 1923.]

Insufficiency
of trans-
portation.

WHEREAS, The senate of the State of California realizing the urgency of immediate action to prevent a repetition of the immense loss suffered by California growers as a result of the lamentable insufficiency of transportation facilities during the past shipping season caused by shortage of suitable cars and eastern terminal facilities on our transcontinental railroads—now therefore be it

Resolved by the senate and the assembly, jointly, That we do most urgently request the Inter-State Commerce Commission to adopt such means of readjustment as will prevent a repetition of the disheartening and disastrous losses of the past season both to the grower and to the consumer.

CHAPTER 27.

Assembly Concurrent Resolution No. 11—Relative to entertaining Hon. Samuel M. Shortridge.

[Filed with Secretary of State April 4, 1923.]

Reception
for Senator
Shortridge.

WHEREAS, The governor has been advised that United States Senator Samuel M. Shortridge will arrive in Sacramento tomorrow upon his return from Washington; now, therefore, be it

Resolved, That a joint committee consisting of three members of the senate to be appointed by the lieutenant governor, and three members of the assembly to be appointed by the speaker, be delegated to meet United States Senator Samuel M. Shortridge upon the arrival of the overland limited train on March 21, 1923, and escort him to the legislature. Be it further

Resolved, That upon the arrival of Senator Shortridge, that the senate and assembly meet in joint session for the purpose of receiving and greeting him.

CHAPTER 28.

Assembly Concurrent Resolution No. 16—Relative to the appointment of a committee of assemblymen and senators to draft resolutions in memory of the late Honorable G. H. Douglas.

[Filed with Secretary of State April 5, 1923.]

WHEREAS, An All-Wise Providence has removed from our midst by death, our esteemed colleague and associate, Honorable G. H. Douglas; now, therefore, be it

Drafting of resolutions in memory of Hon. G. H. Douglas.

Resolved, by the assembly, the senate concurring, That the speaker of the assembly appoint five members of this body, and that the president of the senate appoint five members of the senate to act as a joint committee to draft suitable resolutions in the memory of our late and esteemed colleague, Honorable G. H. Douglas.

CHAPTER 29.

Assembly Concurrent Resolution No. 17—Relative to the appointment of a committee to take charge of arrangements for the funeral services of the late Honorable Gustave H. Douglas.

[Filed with Secretary of State April 5, 1923.]

Resolved, by the assembly, the senate concurring, That a committee of eight consisting of five members of the assembly and three members of the senate, to be named by the speaker and the president of the senate, respectively, be appointed, and together with the chief clerk of the assembly and the secretary of the senate, to, so far as it will meet the wishes of his family, take charge of all arrangements for the funeral services of the late Honorable Gustave H. Douglas.

Arrangements for funeral service of Hon. G. H. Douglas.

CHAPTER 30.

Assembly Concurrent Resolution No. 10—Approving amendments to the charter of the city of Santa Cruz, county of Santa Cruz, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the twenty-eighth day of February, 1923.

[Filed with Secretary of State April 9, 1923.]

WHEREAS, The city of Santa Cruz is a municipal corporation of the county of Santa Cruz, State of California, having a frecholders charter adopted by the legislature of the State of California by Assembly Concurrent Resolution No. 15, introduced in said legislature on the eighth day of February, 1911; and

Santa Cruz city charter amendments.

Santa Cruz
city charter
amendments.

WHEREAS, The council of said city of Santa Cruz of its own motion, and not by petition, adopted a resolution on the second day of January, 1923, providing for the publication of notice of its intention to call a special election in said city to vote upon proposed amendments to sections two hundred ten, two hundred eleven and two hundred forty-six of said charter of said city of Santa Cruz; and

WHEREAS, On the ninth day of January, 1923, the council of said city of Santa Cruz fixed Wednesday the twenty-eighth day of February, 1923, as the date on which said special election should be held to vote upon the said proposed amendments to said charter; and

WHEREAS, There being no official paper of said city, there was published once in the Santa Cruz Evening News, a newspaper of general circulation published and circulated in said city, the said proposed amendments in full to sections two hundred ten, two hundred eleven and two hundred forty-six of said charter, together with a notice of the intention of said council to call a special election in said city to vote upon the said proposed amendments to said charter, and also a notice that copies of said proposed amendments to said charter in convenient pamphlet form could be had upon application to the office of the city clerk of said city, which said last mentioned notice was published until the date fixed for said special election upon said proposed charter amendments; and

WHEREAS, In pursuance of said resolution and at a special municipal election duly held in said city not less than forty and not more than sixty days after the completion of said advertising and publication of said proposed amendments in said Santa Cruz Evening News, to wit, on the twenty-eighth day of February, 1923, under and in accordance with law and the provisions of section eight of article eleven of the constitution of the State of California, the said proposed amendments to said sections two hundred ten, two hundred eleven and two hundred forty-six of said charter were duly ratified by the vote of the majority of the qualified voters voting at said election and on each of such amendments in favor of each thereof; and

WHEREAS, The council of the city of Santa Cruz on the second day of March, 1923, duly canvassed the returns of said special election and found and declared that the majority of the qualified electors voting upon each of said proposed amendments voted in favor of ratifying each of said proposed amendments to said charter and ratified the same and each thereof; and

WHEREAS, Said proposed charter amendments, ratified as aforesaid, are now submitted to the legislature of the State of California for its approval and ratification without power to alter or amend the same or any of them in accordance with the provisions of section eight of article eleven of the constitution of the State of California; and

WHEREAS, Said sections two hundred ten, two hundred eleven and two hundred forty-six of said charter and the proposed amendments thereof as so ratified were and are in words and figures as follows, to wit:

ORIGINAL CHARTER SECTION 210.

SEC. 210. Street sprinkling, cleaning, and paving. Every grant of a franchise in, over, under, or along any of the streets, highways, or public places of the city; for railway purposes, shall be subject to the conditions that the holder of such franchise shall sprinkle, oil, clean, pave, repave, and keep in repair so much of said street, highway or public place as lies between the exterior rails of the track thereof, and for the space of two feet outside of the exterior rails or track thereof.

CHARTER SECTION 210 AS AMENDED.

SECTION 210 (Amended), Street sprinkling, cleaning and paving.

Street
sprinkling,
cleaning,
and paving.

Every grant of a franchise, in, over, under, or along any of the streets, highways, or public places of the City, for railway purposes, (except street railways) shall be subject to the conditions that the holder of such franchise shall sprinkle, oil, clean, pave, repave, and keep in repair so much of said street, highway, or public place as lies between the exterior rails of the track thereof, and for the space of two feet outside of the exterior rails or track thereof.

Each and every grant of a franchise in, over, under, or along any of the streets, highways or public places of the city, for street railway purposes, whether such franchise shall have been heretofore or shall hereafter be granted, is hereby declared to be free from the conditions that the holder of such franchise shall sprinkle, oil, clean, pave or repave so much of said street, highway, or public place as lies between the exterior rails of the track thereof, and for the space of two feet outside of the exterior rails or track thereof.

ORIGINAL CHARTER SECTION 211.

SEC. 211. Railroads. Railroads operated through the city and beyond its limits, shall not, as to operations within the city, be subject to the provisions of this charter relative to the payment of a portion of its gross receipts to the city, but such railroads shall keep the width of the whole or that portion of any street (exclusive of sidewalks) crossed or traversed by its track or tracks, in repair, and may be required to oil, sprinkle, clean, sweep, pave, and repave the same. The city shall have the right to regulate charges for switching, warehouses, or yards within the city, and may preclude the use of the streets of the city for the purpose of switching or making up trains.

CHARTER SECTION 211 AS AMENDED.

SECTION 211 (Amended), Rail roads.

Railroads.

Railroads, (except street railroads), operated through the city and beyond its limits, shall not, as to operations within the city, be subject to the provisions of this charter relative to the payment of a portion of its gross receipts to the city, but such railroads, except street railroads, shall keep the width of the whole or that portion of any street (exclusive of sidewalks) crossed or traversed by its track or tracks, in repair, and may be required to oil, sprinkle, clean, sweep, pave, and repave same. The city shall have the right to regulate charges for switching, warehouses, or yards within the city, and may preclude the use of the streets of the city for the purpose of switching or making up trains.

ORIGINAL CHARTER SECTION 246.

SEC. 246. General provision. In all matters pertaining to municipal affairs, concerning which no special provision is made in this charter, the general law shall be a part of this charter as far as the same may be applicable.

CHARTER SECTION 246 AS AMENDED.

SECTION 246 (Amended), General provision.

General provision.

In all matters pertaining to municipal affairs, concerning which no special provision is made in this charter, the general law shall be a part of this charter as far as the same may be applicable; provided, however, that the general street improvement laws of the State of California shall be a part of this charter and apply to the city of Santa Cruz only in so far as such street improvement laws do not impose upon any person or company having street railway tracks upon any street or streets in said City, the expense of paving or repaving any portion of any such street or streets. The purpose and intent of this proviso is to relieve any and all persons or companies now or hereafter operating street railways upon the streets of said City from the cost of any street paving or repaving work by reason of operating a street railway or having street railway tracks thereon.

OFFICE OF THE MAYOR OF THE
CITY OF SANTA CRUZ.

CITY OF SANTA CRUZ,
COUNTY OF SANTA CRUZ, } ss.
STATE OF CALIFORNIA.

Certificate.

I, CARL C. KRATZENSTEIN mayor of the City of Santa Cruz, State of California, do hereby certify that the foregoing is a true copy of Sections 210, 211 and 246 of the present charter of said City of Santa Cruz as approved by the legislature of the State of California on the 8th day of February, 1911, and a true copy of the proposed amendments of each of said sections of said charter as the same were ratified at a

special election held in said City of Santa Cruz at the time and in the manner hereinafter set forth; that the council of said City of Santa Cruz of its own motion and not by a petition adopted a resolution on the 2nd day of January, 1923, providing for the publication of notice of its intention to call a special election in said city to vote upon said proposed amendments to said charter; that on the 9th day of January, 1923, the council of said city fixed Wednesday the 28th day of February, 1923, as the date on which said special election should be held to vote upon said proposed amendments to said charter. Certificate.

That there being no official paper of said city there was published once in the Santa Cruz Evening News, a newspaper of general circulation published and circulated in said city, the said proposed amendments in full to Sections 210, 211 and 246 of said charter, together with a notice of the intention of said council to call a special election in said city to vote upon the said proposed amendments to said charter and also a notice that copies of said proposed amendments to said charter in convenient pamphlet form could be had upon application to the office of the City Clerk of said city, which said last mentioned notice was published until the date fixed for said special election upon said proposed charter amendments.

That in pursuance of said resolution and at a special municipal election duly held in said city not less than forty and not more than sixty days after the completion of said advertising and publication of said proposed amendments in said Santa Cruz Evening News, to wit, on the 28th day of February, 1923, under and in accordance with law and the provisions of Section 8 of Article XI of the constitution of the State of California, the said proposed amendments to said Sections 210, 211 and 246 of said charter were duly ratified by the vote of the majority of the qualified voters voting at said election and on each of such amendments in favor of each thereof; and

That the council of the City of Santa Cruz on the 2nd day of March, 1923, duly canvassed the returns of said special election and found and declared that the majority of the qualified electors voting upon each of said proposed amendments voted in favor of ratifying each of said proposed amendments to said charter and ratified the same and each thereof; and

That said election, publication, advertising and all acts, matters and things in connection with and relating to said proposed charter amendments were held, made and occurred, pursuant to orders, resolutions, ordinances and publications of the city council of said City of Santa Cruz in compliance with Section 8, Article XI of the constitution of the State of California.

That in all matters and things pertaining to said proposed charter amendments the provisions of said section of the constitution, the charter and ordinances of said City of Santa Cruz, and the law of the State of California pertaining to

the adoption of charter amendments and the holding of elections thereon, have been fully complied with in every particular.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the corporate seal of said City of Santa Cruz to be affixed this 9th day of March, 1923.

CARL C. KRATZENSTEIN,
Mayor of the City of Santa Cruz.

[SEAL]

Attest: S. A. EVANS,
City Clerk of the City of Santa Cruz.
And,

Approval by
legislature.

WHEREAS, Said proposed charter amendments numbers two hundred ten, two hundred eleven and two hundred forty-six have been duly presented and submitted to the legislature of the State of California for approval or rejection, without power to alter or amend in accordance with section eight of article eleven of the constitution of the State of California; now, therefore, be it

Resolved by the assembly of the State of California, the senate thereof concurring, the majority of all the members elected to each house voting for the adoption of this resolution and concurring therein, That said proposed amendments numbers two hundred ten, two hundred eleven and two hundred forty-six to the charter of the city of Santa Cruz as said charter amendments are hereinabove set forth and were presented to, adopted and ratified by the qualified electors of said city, be and the same are hereby approved as and for amendments to said sections two hundred ten, two hundred eleven and two hundred forty-six of said city of Santa Cruz.

CHAPTER 31.

Senate Concurrent Resolution No. 13—Relative to reports of the department encampment of the Grand Army of the Republic.

[Filed with Secretary of State April 10, 1923.]

Reports of
G. A. R.

Resolved by the senate, the assembly concurring, That there shall be printed as a public document five hundred copies of the fifty-sixth session of the department encampment of the Grand Army of the Republic for the year 1923, and of each succeeding department encampment, together with illustrations, copies of general orders of the department, two hundred fifty copies for the use of the senate and two hundred fifty copies for the use of the assembly. Annual cost not to exceed five hundred dollars, payable from legislative printing appropriation.

CHAPTER 32.

Senate Concurrent Resolution No. 17—Relative to leave of absence of E. L. Dow from the State of California.

[Filed with Secretary of State April 10, 1923.]

Resolved by the senate, the assembly concurring, That leave of absence from the State of California for a longer period than sixty (60) days during his term of office is hereby granted to E. L. Dow, who is one of the trustees of reclamation district number one hundred eight, also one of the commissioners of Knight's Landing ridge drainage district, and also one of the commissioners of the Sacramento river west side levee district.

Leave of
absence to
E. L. Dow.

CHAPTER 33.

Senate Joint Resolution No. 11—Relative to the establishment of a bureau or department of publicity by the United States government.

[Filed with Secretary of State April 13, 1923.]

WHEREAS, The subject of "selling America to Americans," by an intensive campaign of advertising in the interest of "see America first," and the establishment of a department of publicity for the purpose of properly advertising America is an important matter in these days of extensive advertising directing the attention of Americans to Europe and points outside of the United States; now, therefore, be it

Establishment of
federal
bureau of
publicity.

Resolved by the senate and the assembly, jointly, That the members of the legislature of the State of California petition the President of the United States and the congress to enact legislation in the interests of the spirit of "see America first" and urge that they use their utmost endeavor for the immediate passage of laws for and the

(a) Establishment of a bureau of publicity under the direction of the department of the interior for our forty-eight states and territories to encourage travel in America and to educate people to travel in America by carrying on and conducting a publicity campaign by advertising in this and other countries the scenic wonders, climate, highways, resources, lakes, rivers, inland waterways, places of historic interest, national parks, national forests, national monuments, ice caves, overland and other cross country trails and Indian mounds.

(b) Establishment of automobile highways from the Atlantic to the Pacific and from the gulf to the great lakes and also paved highways from national parks to national parks, with government appropriation for the development of these highways; and be it further

Resolved, That the secretary of the senate be and he is hereby directed to forward copies of these resolutions to the president of the United States, to the vice president of the

United States, the speaker of the house of representatives and to each of California's senators and representatives in congress.

CHAPTER 34.

Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to section thirty-one of article four of the constitution of the State of California relating to the giving or lending of public credit.

[Filed with Secretary of State April 19, 1923.]

Constitutional amendment.

The legislature of the State of California, at its regular session commencing on the eighth day of January, one thousand nine hundred twenty-three, two-thirds of the members elected to each of the two houses of the legislature voting in favor thereof, hereby propose an amendment to section thirty-one of article four of the constitution of the State of California to read as follows:

Credit of state or municipalities not to be loaned.

Sec. 31. The legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the state, or of any county, city and county, city, township, or other political corporation or subdivision of the state now existing, or that may be hereafter established, in aid of or to any person, association, or corporation, whether municipal or otherwise, or to pledge the credit thereof, in any manner whatever, for the payment of the liabilities of any individual, association, municipal or other corporation whatever; nor shall it have power to make any gift, or authorize the making of any gift, of any public money or thing of value to any individual, municipal or other corporation whatever; *provided*, that nothing in this section shall prevent the legislature granting aid pursuant to section twenty-two of this article; and it shall not have power to authorize the state, or any political subdivision thereof, to subscribe for stock, or to become a stockholder in any corporation whatever: *provided, further*, that irrigation districts for the purpose of acquiring the control of any entire international water system necessary for its use and purposes, a part of which is situated in the United States, and a part thereof in a foreign country, may in the manner authorized by law, acquire the stock of any foreign corporation which is the owner of, or which holds the title to the part of such system situated in a foreign country: *and provided, still further*, that notwithstanding the restrictions contained in this section, the treasurer of any city, county, or city and county shall have power and it shall be his duty to make such temporary transfers from the funds in his custody as may be necessary to provide funds for meeting the obliga-

tions incurred for maintenance purposes by any city, county, city and county, district, or other political subdivision whose funds are in his custody and are paid out solely through his office. Such temporary transfer of funds to any political subdivision shall not exceed eighty-five per cent of the taxes accruing to such political subdivision, shall not be made prior to the first day of the fiscal year nor after the last Monday in April of the current fiscal year, and shall be replaced from the taxes accruing to such political subdivision before any other obligation of such political subdivision is met from such taxes.

CHAPTER 35.

Assembly Concurrent Resolution No. 18—Relative to drafting a resolution of respect on the death of Dr. Gustave H. Douglas.

[Filed with Secretary of State April 19, 1923.]

The joint committee appointed in pursuance to assembly concurrent resolution number sixteen relative to drafting a resolution of respect on the death of our late associate, Honorable Gustave H. Douglas, begs leave to submit the following:

Resolution
in memory of
Hon. G. H.
Douglas.

On the twenty-seventh day of March, 1923, the Supreme Ruler of the Universe removed from us our highly esteemed associate, Honorable Gustave H. Douglas. In the morning of that day he answered the roll call and on the evening his lips were stilled. Dr. Douglas was conscientious and painstaking in his professional and public life, devoted to duty, and worthy of the confidence he inspired in all with whom he associated.

He was a genial companion, a loyal friend, and imbued with those high ideals of life that made the world better for his living. He has passed from his earthly labors, but his kindly words and acts have brought cheer and happiness to many hearts in two continents, and in their memory he still lives.

In his death, a wife has lost a loving husband, his children a wise counselor, and the state an able representative; therefore, be it

Resolved by his fellow members composing the assembly and senate of the State of California, That we, in the forty-fifth session of the legislature of the State of California do most sincerely regret the death of Gustave H. Douglas; and be it further

Resolved, That we tender our heartfelt sympathy to his beloved wife and children, and others near and dear to him, and that the chief clerk of the assembly be and he is hereby directed to forward to the bereaved family an engrossed copy

of this resolution and that the same be spread upon the pages of the journal of the assembly and senate.

HENRY E. CARTER,
ALBERT A. ROSENSHINE,
ISAAC JONES,
FRED J. MOORE,
ANNA L. SAYLOR,
Assembly Committee.
THOMAS INGRAM,
JOHN J. CROWLEY,
EDGAR S. HURLEY,
CHARLES W. LYON,
ED P. SAMPLE,
Senate Committee.

CHAPTER 36.

Assembly Concurrent Resolution No. 20—Relative to the reception of Honorable Henry C. Wallace, secretary of agriculture of the United States.

[Filed with Secretary of State April 19, 1923.]

Reception to
Hon. Henry
C. Wallace.

WHEREAS, The legislature of the State of California has been advised that the Honorable Henry C. Wallace, secretary of agriculture of the United States, will visit the city of Sacramento on Wednesday, April 11, 1923: and

WHEREAS, This legislature deems it an extreme honor to be able to receive this eminent gentleman; now, therefore, be it
Resolved by the assembly, the senate concurring, That a committee from the legislature, composed of three members of the senate, to be appointed by the lieutenant governor and a like number from the assembly, to be appointed by the speaker, are hereby authorized to meet the Honorable Henry C. Wallace upon his arrival in Sacramento, and to escort him to the assembly chamber; and, be it further

Resolved, That the senate and assembly meet jointly in the assembly chamber at 2:30 p.m. to receive the Honorable Henry C. Wallace, secretary of agriculture.

CHAPTER 37.

Senate Joint Resolution No. 2—Relative to pensions for federal employees who have been in service thirty years or more.

[Filed with Secretary of State April 20, 1923.]

Approval
of service
pensions
for federal
employees.

WHEREAS, It is fundamentally right that federal employees, who have been in the qualified civil service of the United States for a period of thirty years or more, should, regardless of age, be retired from said service; and

WHEREAS, It is equally true that such civil servants reaching an age of sixty-five years, after having rendered at least fifteen

years of service, should be retired, in both cases with adequate pensions to insure their proper care during the balance of their lives; and

WHEREAS, The enactment of law to this end will greatly strengthen the civil service of the United States; now, therefore, be it

Resolved, by the senate and assembly, jointly, That the legislature of the State of California at its forty-fifth session urges that the congress of the United States adopt such legislation as will enable this to be done; and be it

Resolved, further, That copies of these resolutions be forwarded by the secretary of the senate to the president of the United States, to the secretary of labor of the United States and to each member of congress from the State of California.

CHAPTER 38.

Senate Joint Resolution No. 3—Relative to the compensation of laborers in the United States customs service.

[Filed with Secretary of State April 20, 1923.]

WHEREAS, The legislature of the State of California believes that the compensation of laborers in the United States customs service is inadequate at present; and

WHEREAS, In view of the provisions of existing law the legislature of the State of California believes that said customs laborers are unjustly discriminated against in the matter of wages; now, therefore, be it

Resolved, by the senate and the assembly, jointly, That the legislature of the State of California, at its forty-fifth session, urges that the congress of the United States, adopt such legislation as may be necessary to increase the compensation of laborers in the United States customs service, to an amount that shall be equitable as compared to the compensation of employees of the United States government in similar positions, and be it

Resolved, further, That copies of these resolutions be made by the secretary of the senate and transmitted to the president of the United States, to the secretary of labor of the United States, and to each of the California senators and representatives in congress.

Approval of
increase in
pay of
customs
laborers.

CHAPTER 39.

Senate Concurrent Resolution No. 16—Approving a certain amendment to the charter of the city of San Bernardino, State of California, ratified by the qualified electors of said city, at a special municipal election held therein, on the seventh day of November, 1922.

[Filed with Secretary of State April 24, 1923.]

San
Bernardino
city charter
amendment.

WHEREAS, Proceedings have been had and taken for the proposal, adoption and ratification of a certain amendment to the charter of the city of San Bernardino, State of California, as set out in a certificate of the mayor and the city clerk of the said city of San Bernardino, as follows, to wit:

WHEREAS, The city of San Bernardino, in the county of San Bernardino, State of California, has, at all times mentioned herein, been and now is a municipal corporation of said State of California, having a population of more than thirty-five hundred inhabitants, and is now, and has been, ever since the eighth day of February, 1905, organized and existing and acting under a freeholders charter adopted under and by virtue of section eight, article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city, at an election held for that purpose, on the sixth day of January, 1905, and approved by the legislature of the State of California, on the eighth day of February, 1905 (Statutes 1905, page 940, et seq); and

WHEREAS, The mayor and common council of said city of San Bernardino, did, by ordinance designated as "Ordinance No. 909," entitled "An ordinance proposing certain amendments to the city charter of the city of San Bernardino, providing for the publication thereof, and setting forth said amendments, calling a special election to be held in the city of San Bernardino, on Tuesday, the seventh day of November, 1922, for the purpose of submitting to the qualified electors of said city, for their ratification or rejection, such proposed amendments, providing for the holding of said election, and the canvassing of the returns thereof," adopted by said mayor and common council on the twenty-fifth day of September, 1922, and approved by the mayor of said city on the twenty-sixth day of September, 1922, and pursuant to section eight, of article eleven of the constitution of the State of California, duly propose to the qualified electors of said city of San Bernardino, a certain amendment, hereinafter set forth, to the charter of said city, to be submitted to said qualified electors at a special municipal election to be held in the said city on the seventh day of November, 1922; and

WHEREAS, Said proposed amendment hereinafter set forth was published for one day in a daily newspaper printed and published in said city, and of general circulation therein, to wit: in the Evening Telegram, said publication being on the twenty-seventh day of September, 1922; and

WHEREAS, Copies of said proposal containing said proposed amendment were printed in convenient pamphlet form, and until the date fixed for the election hereinafter described and as required by law, an advertisement was published in the San Bernardino Daily Sun, a daily newspaper of general circulation, printed, published and circulated in said city, that copies could be had upon application therefor at the office of the city clerk; and

San
Bernardino
city charter
amendment

WHEREAS, Copies could be had upon application therefor at the office of the city clerk until the date fixed for the election hereinafter described; and

WHEREAS, The mayor and common council of said city did, by said ordinance designated "Ordinance No. 909," which was duly passed and adopted on the twenty-fifth day of September, 1922, and approved by the mayor of said city on the twenty-sixth day of September, 1922, call and order the holding of a special municipal election in the city of San Bernardino on the seventh day of November, 1922, which said last mentioned date was at least forty days, and not more than sixty days after the completion of the publication of such proposed amendment to said charter for one day in said Evening Telegram, said newspaper, and which said ordinance calling such election specified, ordered and ordained that said proposed amendment be submitted to the qualified electors of said city, at said special election for ratification or rejection, and designated the time of such election, and provided for the election precincts and the polling places therein and the election officers for each such precinct, and which said ordinance was published for three days in the San Bernardino Daily Sun, the last day of said publication being on the thirtieth day of September, 1922; and

WHEREAS, Said amendment was duly submitted to the qualified electors of said city of San Bernardino, at said special election held on the said seventh day of November, 1922, which said special election was held not less than forty days, nor more than sixty days after the completion of the publication of such proposal for one day in said Evening Telegram, said daily newspaper; and

WHEREAS, In and by said ordinance so passed, approved and published, as aforesaid, said proposed amendment was submitted to the qualified electors of said city, at a special municipal election; and

WHEREAS, In and by said ordinance, said mayor and common council ordered that said special election be consolidated with a general election held in the State of California, on said date; and

WHEREAS, Said proposed amendment was duly submitted to the qualified electors of said city of San Bernardino, at said special election, on the ballot used at said general election; and

WHEREAS, The mayor and common council of the city authorized and directed the board of supervisors of the county

of San Bernardino to canvass the votes at said special election and certify the returns thereof to said mayor and common council; and

WHEREAS, On the seventeenth day of November, 1922, a meeting of the board of supervisors of the county of San Bernardino duly convened in accordance with law, and said board of supervisors did duly and regularly canvass the returns of said special election so held on the seventh day of November, 1922, and did find and determine therefrom that said proposed amendment to said charter, hereinafter particularly set forth, was voted for and against at said election, as follows: total votes in favor of said amendment, two thousand five hundred seventy-three; total votes against said amendment, one thousand five hundred forty-one; and thereafter, the county clerk and ex officio clerk of the board of supervisors of said county of San Bernardino, did certify to the mayor and common council of the city of San Bernardino that the vote at said election for and against said charter amendment was, two thousand five hundred seventy-three votes in favor of said amendment, and one thousand five hundred forty-one votes against said amendment; and

WHEREAS, Said mayor and common council did, thereafter, cause said certificate to be entered upon its minutes, and did find and determine and declare that said proposed amendment had been ratified and adopted by a majority of the electors of said city voting thereon; and

WHEREAS, Said amendment so ratified by the electors of the said city of San Bernardino, at said special election, is now submitted to the legislature of the State of California, for approval or rejection, as a whole, without power of alteration or amendment, in accordance with the provisions of section eight of article eleven of the constitution of the State of California;

Now, therefore, the undersigned, S. B. W. McNabb, the mayor and chief executive of the city of San Bernardino, and John H. Osborn, the city clerk and ex officio clerk of the mayor and common council of the city of San Bernardino, authenticated their signatures with the official seal of said city, do hereby certify that said amendment to said charter of said city, so ratified by a majority of the qualified electors voting thereon at said special municipal election held on the seventh day of November, 1922, as submitted to said electors, is in words and figures as follows, and is and shall, if so approved by said legislature, be in the words and figures following, to wit:

“Proposed Charter Amendment No. 1. It is hereby proposed that Section 14 of the City Charter be amended to read as follows:

‘Section 14. There shall be elected at a general municipal election to be held on the second Monday of April, 1907, and every fourth year thereafter, two members of the Common Council, one each from the third and fifth wards, who shall be

elected by the qualified electors of their respective wards; a mayor, city attorney, city clerk, police judge and city treasurer, except that the mayor shall be elected biennially and whose term of office shall be for two years from and after the second Monday in May next succeeding his election; the city attorney, city clerk, police judge and city treasurer and the members of the Common Council shall hold office for a term of four years from and after the second Monday in May next succeeding their election. A general municipal election shall be held biennially on the second Monday in April of every odd numbered year for the election of city officers. All provisions of this Charter providing that the police judge shall be ex-officio city treasurer, are hereby repealed' ”.

And the said S. B. W. McNabb, as mayor and chief executive of said city, and John H. Osborn, as clerk of said city, and the mayor and common council of said city do hereby further certify that they have this day carefully compared the foregoing and proposed ratified amendment to the charter of the city of San Bernardino, with the original submission thereof, and said Ordinance No. 909, and the proceedings of the common council of said city, on file and of record in the office of said city clerk, subsequent to the passage of said ordinance, and from said comparison and examination, they find and hereby certify that the foregoing contains a true, full, exact and correct copy of said charter amendment to said charter of said city of San Bernardino, as ratified as aforesaid.

Certificate.

And we further hereby certify that the facts set forth in the preamble of this certificate preceding said amendments to said charter and each of them is true.

And, for and on behalf of said city, we, being hereinbefore duly authorized, do hereby request the legislature of the State of California, to adopt said amendments to said charter as a whole, and to take such other and further steps and proceedings as may be necessary to perfect such approval.

In witness whereof, we have hereunto set our hands and caused our signatures, authenticated by the official seal of said city, to be hereunto attached, this twentieth day of January, 1923.

S. B. W. McNabb,
Mayor and chief executive of the City of San Bernardino.
Attest

J. H. Osborn,
City Clerk of the City of San Bernardino, and ex-officio Clerk
of the Mayor and Common Council of said City of San Bernardino.

[SEAL]

And,

WHEREAS, The said proposed amendments so ratified as hereinbefore set forth, have been and are now duly presented and submitted to the legislature of the State of California for approval or rejection, without power of alteration, in

Approval by
legislature.

accordance with section eight of article eleven of the constitution of the State of California; now, therefore, be it

Resolved by the senate of the State of California, the assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the charter of the city of San Bernardino, as proposed to and adopted and ratified by the electors of said city and as hereinbefore set forth, be and the same is hereby approved.

CHAPTER 10.

Senate Concurrent Resolution No. 20—Approving certain amendments to the charter of the city of Eureka, in the county of Humboldt, State of California, voted for and ratified by the electors of said city of Eureka at a special municipal election held for that purpose on the twenty-sixth day of February, 1923.

[Filed with Secretary of State April 24, 1923.]

PREAMBLE.

Eureka city
charter
amendment.

WHEREAS, The City of Eureka, of the County of Humboldt, State of California, has at all times mentioned herein been and now is a municipal corporation of said State of California, containing a population of more than thirty-five hundred (3500) inhabitants, and is now, and has been ever since the 2nd Monday in July, A. D. 1895, organized, existing and acting under a freeholders' Charter, adopted under and by virtue of Section 8, Article XI, of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City at an election held for that purpose on the 26th day of January, 1895, and approved by the Legislature of the State of California, on the 12th day of February, 1895, (Statutes of 1895, Pages 355 to 405 inclusive); and

WHEREAS, the Council of said City of Eureka, did by Ordinance duly adopted by said Council on the 19th day of December, 1922, and approved by the Mayor of said City of Eureka on the 26th day of December, 1922, and pursuant to section 8 of Article XI, of the Constitution of the State of California duly propose an amendment to Section 56 of Article IV of the Charter of said City of Eureka: and

WHEREAS, said proposed amendment was published in the Humboldt Standard, a newspaper of general circulation printed and published in the City of Eureka, and having a general circulation therein, for the time and in the manner prescribed by Section 8 of Article XI of the Constitution of the State of California, and copies of said proposed amendment to said Charter were printed in convenient pamphlet form and until the date fixed for the election on said Charter amendment, the Council of the said City of Eureka caused to be published in the Humboldt Standard and also in the

Humboldt Times, both said Humboldt Standard and said Humboldt Times being newspapers of general circulation printed and published in said City of Eureka, a notice that copies of said proposed amendment to said Charter could be had at the office of the City Clerk of the City of Eureka upon application therefor, as required by Section 8 of Article XI of the Constitution of the State of California; and

Eureka city
charter
amendment.

WHEREAS, the Council of said City of Eureka did, by ordinance duly adopted by said Council on the 26th day of December, 1922, and approved by the Mayor on the 8th day of January, 1923, order the holding of a special municipal election in said City of Eureka on the 26th day of February, 1923, said day being not less than forty (40) days and not more than sixty (60) days after the completion of the publication of said proposed amendment in said Humboldt Standard, a daily newspaper of general circulation in said City of Eureka, and did provide in said ordinance for the submission of said proposed Charter Amendment to the qualified electors of said City for ratification or rejection at said election; and

WHEREAS, said election was duly called and held on said 26th day of February, 1923, and at said election the majority of the qualified voters voting thereon voted in favor of the ratification of and did ratify the said proposed amendment to said Charter; and

WHEREAS, the Council of the said City of Eureka, in accordance with the law in such cases made and provided, and in accordance with the provisions of the Charter of the City of Eureka, did meet on Thursday the first day of March, 1923, at their usual place of meeting and did canvass the returns of said election, as certified by the Election Boards, and duly found, determined and declared that the majority of the qualified electors of said City voting thereon had voted for and ratified the said proposed amendment to the Charter of the City of Eureka; and

WHEREAS, said amendment to the Charter of the City of Eureka, so ratified by the electors of said City of Eureka, at said Special Municipal Election held on the 26th day of February, 1923, is now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California;

Now therefore, the undersigned, A. C. Dauphiny the Mayor and Chief Executive of the City of Eureka, and A. Walter Kildale, City Clerk and Ex-Officio Clerk of the Council of said City authenticating their signatures with the official seal of said City,

Do hereby certify, that said amendment to said Charter of said City, so ratified by the majority of the electors voting thereon at said special municipal election, held on the 26th day of February, 1923, as submitted to said electors and ratified by said electors is in the words and figures as follows, and

will and shall, if so approved by said Legislature, be in the words and figures as follows, to-wit:—

Section 56 of Article IV of the Charter of the City of Eureka is hereby amended so as to read as follows:—

Treasurer.

Section 56. (1) The Treasurer shall have been a citizen of the State and a resident and qualified elector of the City for at least five (5) years next before his election.

(2) The Treasurer shall receive and safely keep all moneys which shall be paid into the Treasury. Except as hereinafter provided he shall not lend, exchange, use nor deposit the same, or any part thereof to or with any bank or banks or persons; nor pay out any part of such moneys nor allow the same to pass out of his personal custody, except upon demands legally audited in the manner provided by law; and without such auditing he shall disburse no public moneys whatever, except the principal and interest on the municipal debt when payable. He shall keep an account of all his receipts and expenditures under such rules and regulations as may have been or which may hereafter be prescribed by ordinance. He shall make a monthly statement to the Council of all his receipts and expenditures for the preceding month, and shall do all things required of him by law or by ordinance of said City.

Deposits
in banks.

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

Interest on
deposits.

(4) The rate of interest shall be fixed annually as herein provided in the month of January of each year on all deposits for each year, provided, that the rate of interest for the year ending December 31st, 1923, may be fixed as herein provided within thirty (30) days after this section goes into effect. The rate of interest shall be fixed by the Treasurer, the City Clerk, and the Mayor and the same reported in writing to the City Council immediately. Said rate of interest shall be a reasonable rate and not less than two (2) per cent per annum on the daily balances deposited; and the rate of interest so established for each year as herein provided, shall be the uniform rate of interest required from all banks receiving deposits from the City for that year. Interest on all moneys

deposited as herein provided for shall belong to the city and shall be paid quarterly into the general fund of the City except where the law or this Charter otherwise directs.

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

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

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

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

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

(10) Should any bank fail to pay any public moneys held on deposit as herein provided, the Treasurer (with the written consent of the Mayor) may, after ten days' written notice to such bank, proceed to sell at public or private sale such of the bonds held by him as security as he may see fit; provided, however, that he shall sell no bonds for less than their face value except at public sale, after ten days' printed notice in a newspaper of general circulation published and circulated in said City of Eureka. The proceeds of such sale, after paying all expenses, shall be credited to the account of the bank which deposited the bonds as collateral. Any bank failing to make payment may, at any time before the sale of the bonds is completed, stop such sale by repaying all the moneys deposited with it, together with any expense Failure to pay deposit.

that may have been incurred by the Treasurer as the result of such failure. Should the proceeds of any such sale fail to fully repay any deposit, the balance remaining unpaid may be collected in an action at law in the name of the City.

Respons-
ibility of
treasurer
for deposits.

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

Expense
of trans-
portation.

(12) The expense of transportation of moneys to or from the Treasury to such depositories shall be borne by such depositories.

Investment
of city
funds.

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

Certificate.

And the said A. C. Dauphny, as Mayor and Chief Executive of said City and A. Walter Kildale, as Clerk of said City and Ex-Officio Clerk of the Council of said City, do hereby further certify that they have this day carefully compared the foregoing proposed and ratified amendment to the Charter of said City of Eureka with the original ordinance proposing said amendment and requiring its submission to the qualified electors for ratification or rejection as aforesaid, to-wit; with ordinance No. 875 of said City, and with said Ordinance No. 876 submitting the said amendment to the qualified electors of said City at a Special Municipal Election held in said City on the 26th day of February 1923, and with the proceedings of the Council of the said City on file in the office of said Clerk, subsequent to the passage of said ordinances and relating to the adoption of said amendments, and from said comparison and examination they find, and hereby certify that the foregoing contains a true, full, exact and correct copy of said Charter amendment to said Charter of said City of Eureka, so ratified as aforesaid.

And, we further hereby certify that the facts set forth in the Preamble of this Certificate preceding said amendment to said Charter, are, and each of them is, true.

And, for and on behalf of said City, we, being hereinbefore duly authorized, do hereby request the Legislature of the State of California to adopt and approve the said amendment to said Charter, as a whole and to take such other and further

steps and proceedings as may be necessary to perfect such approval.

IN WITNESS WHEREOF, we have hereunto set our hands and caused our signatures, authenticated by the Official Seal of said City, to be hereunto attached, this 27th day of March, 1923.

[SEAL]

A. C. DAUPHINY,
Mayor and Chief Executive of the
City of Eureka.

ATTEST:

A. WALTER KILDALE,
City Clerk of the City of Eureka
and Ex-Officio Clerk of the Council
of the City of Eureka.

Resolved by the senate, the assembly thereof concurring, a Approval by legislature.
majority of all the members elected to each of the houses voting in favor thereof and concurring therein, that said amendments to the charter of the city of Eureka as proposed to, adopted and ratified by the electors of said city, as hereinbefore fully set forth be, and the same are, approved as a whole without amendment or alteration for, and as amendments to, and as a part of the charter of the city of Eureka.

CHAPTER 41.

Assembly Constitutional Amendment No. 46—A resolution to propose to the people of the State of California an amendment to the constitution of said state by amending section sixteen one-half of article eleven therein, relating to deposits of public moneys.

[Filed with Secretary of State April 24, 1923.]

Resolved by the assembly, the senate concurring. That the legislature of the State of California, at its forty-fifth session commencing on the eighth day of January, one thousand nine hundred twenty-three, two-thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, proposes to amend section sixteen one-half of article eleven of the constitution to read as follows: Constitutional amendment.

Sec. 16½. All moneys belonging to, or in the custody of, the state, or any county, city and county, city, town, municipality, or other political subdivision, within this state may be deposited in any national bank or banks within this state, or in any bank or banks organized under the laws of this state, in such manner and under such conditions as may be provided by any law adopted by the people under the initiative or by a two-thirds vote of each house of the legislature and approved by the governor and subject to the referendum; Deposit of public moneys. provided, that the laws now governing the deposit of such moneys shall continue in force until such laws shall be

amended, changed or repealed as in this section authorized; *and provided, further*, that the state or any county, city and county, city, town, municipality, or other political subdivision issuing bonds under the laws of this state, may deposit moneys in any bank or banks outside this state for the payment of the principal or interest of such bonds at the place or places at which the same are payable.

CHAPTER 42.

Assembly Concurrent Resolution No. 19—Relative to the amendment of the joint rules.

[Filed with Secretary of State April 25, 1923.]

Amendment
of joint
rule 40.

Resolved by the assembly, the senate concurring, That the joint rules for the government of joint actions for senate and assembly during the forty-fifth session be amended as follows:

Strike out all of the printed matter in rule forty-six, and insert in lieu thereof the following:

Adjournment for the constitutional recess and adjournment *sine die* shall be made only by concurrent resolution; and the resolution for adjournment *sine die* shall be passed by both houses at least fourteen days before the date of such adjournment.

CHAPTER 43.

Assembly Constitutional Amendment No. 24—A resolution to propose to the people of the State of California an amendment to the constitution of said state by amending section one of article two of the constitution relating to the right of suffrage.

[Filed with Secretary of State April 25, 1923.]

Constitutional
amendment.

Resolved by the assembly, the senate concurring, That the legislature of the State of California, at its forty-fifth regular session, commencing on the eighth day of January, one thousand nine hundred twenty-three, two-thirds of all the members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California that section one of article two of the constitution of this state be amended to read as follows:

Who are and
who are not
electors.

SECTION 1. Every native citizen of the United States, every person who shall have acquired the rights of citizenship under or by virtue of the treaty of Queretaro, and every natural-citizen thereof, who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been resident of the state one year next preceding the election, and of the county in which he or she claims his or her vote ninety days, and in the election precinct thirty days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; *provided*, any person duly registered

as an elector in one precinct and removing therefrom to another precinct in the same county within thirty days of an election, shall for the purpose of such election be deemed to be a resident and qualified elector of the precinct from which he so removed until after such election; *provided, further*, no native of China, no idiot, no insane person, no person convicted of any infamous crime, no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the constitution in the English language and write his or her name, shall ever exercise the privileges of an elector in this state; *provided*, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who had the right to vote on October 10, 1911, nor to any person who was sixty years of age and upwards on October 10, 1911; *provided, further*, that the legislature may, by general law, provide for the casting of votes by duly registered voters who, by reason of their occupation, are regularly required to travel about the state and who, by such affidavit as the legislature may prescribe, show that they will be absent from their respective precincts on the day on which any primary or general election is held, or who, by reason of their being engaged in the military or naval service of the United States or of the state, may be absent from their respective precincts on the day on which any primary or general election is held; which votes (a) may be cast in the office of the registrar of voters, or of the county clerk of the county or city and county in which such voters respectively reside, and on a day prior to the date of such election, under such provisions as the legislature may see fit to make; or (b) may be cast in the city, city and county or town within this state in which such voters may be on the day on which such election is held, under such provisions as the legislature may see fit to make, and shall be forwarded in such manner as the legislature may prescribe to the officers respectively of the city, city and county or town having charge of the counting of the ballots cast at such election; or (c) in cases where said voters are engaged in such military or naval service, may be cast at any place, under such provisions as the legislature may see fit to make, and shall be forwarded in such manner as the legislature may prescribe to the officers respectively of the city, city and county or town having charge of the counting of the ballots at such election; all of which votes shall be kept in such manner and counted by such methods as the legislature may prescribe; *provided*, that it must be required that all ballots cast in any other place than the precinct of the voter must be received by the county clerk of the county in which the voter is registered, within two weeks of the election, in which such ballots are to be counted.

Who are and
who are not
electors.

CHAPTER 44.

Senate Concurrent Resolution No. 23—Approving fourteen amendments to the charter of the city of Long Beach, in the county of Los Angeles, State of California, ratified by the qualified electors of said city of Long Beach at a special municipal election held thereon on the nineteenth day of April, one thousand nine hundred twenty-three.

[Filed with Secretary of State April 27, 1923.]

Long Beach city charter amendments.

WHEREAS, The mayor and the city clerk of the city of Long Beach, a municipal corporation organized and existing under and by virtue of the laws of the State of California and situated in the county of Los Angeles therein, did, on the twenty-third day of April, 1923, duly certify to the submission to the electors of said city of Long Beach of nineteen proposals of amendments to the charter of said city of Long Beach, and to the ratification of fourteen of said proposals of amendments; and did further certify to a copy of said amendments to said charter, authenticated by the seal of said city of Long Beach, which said certificate is in the following words and figures, to-wit:

STATE OF CALIFORNIA, }
COUNTY OF LOS ANGELES, } ss.
CITY OF LONG BEACH. }

We, C. A. Buffum, mayor of the city of Long Beach, and H. C. Waughop, city clerk of said city, do hereby certify as follows:

That the city of Long Beach, in the county of Los Angeles, state of California, is now, and was at all of the times herein mentioned, a city containing a population of more than three thousand five hundred inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and,

That said city of Long Beach is now, and was at all of the times herein mentioned, organized and existing under a freeholders charter adopted under the provisions of Section Eight of Article Eleven of the Constitution of the state of California, which charter was duly ratified by a majority of the electors of said city at a special election held therein on the fourteenth day of April, one thousand nine hundred twenty-one, and approved by the legislature of the state of California on the twenty-sixth day of April, one thousand nine hundred twenty-one; and,

That, pursuant to the provisions of Section Eight of Article Eleven of the Constitution of the state of California, the legislative body of said city, namely: the city council of said city, did, on its own motion and pursuant to the provisions of Section Eight of Article Eleven of the Constitution of the state of California duly propose to the electors of said city of Long Beach nineteen amendments to the charter of said city, and ordered that said amendments be submitted to said

electors of said city at a special municipal election to be held in said city on the nineteenth day of April, one thousand nine hundred twenty-three; and, Long Beach city charter amendments.

That said nineteen proposed amendments were, and each of them was, on the eighth day of March, one thousand nine hundred twenty-three, duly published in the Long Beach Press, a daily newspaper of general circulation published in said city of Long Beach and the official newspaper of said city and the newspaper designated by said city council for that purpose; that said proposed amendments were printed in convenient pamphlet form, and from the eighth day of March, one thousand nine hundred twenty-three, to the nineteenth day of April, one thousand nine hundred twenty-three, both inclusive, a notice was published in said Long Beach Press that such copies could be had upon application therefor at the office of the city clerk of said city; and,

That said city council did by ordinance designated as Ordinance No. C-125, which was duly adopted on the twenty-seventh day of March, one thousand nine hundred twenty-three, order the holding of a special municipal election in said city of Long Beach on the nineteenth day of April, one thousand nine hundred twenty-three, which date was more than forty days and less than sixty days after the completion of the publication of said nineteen proposals of amendments to the charter of the city of Long Beach, as aforesaid, and which ordinance was published at least ten successive days prior to said election in the Long Beach Press, the official newspaper of the city of Long Beach and a newspaper of general circulation and published in said city, and was posted in three conspicuous places in the city of Long Beach; and,

That said special municipal election was held in said city of Long Beach on said nineteenth day of April, one thousand nine hundred twenty-three, which day was more than forty days and less than sixty days after said proposals of amendments to the charter of said city of Long Beach had been published once in said Long Beach Press, as aforesaid; which said election was held after the six months next preceding a regular session of the legislature and before the adjournment of that session; and,

That at said special municipal election held, as aforesaid, on said nineteenth day of April, one thousand nine hundred twenty-three, a majority of the qualified voters of said city of Long Beach voting thereon voted in favor of fourteen of said proposals of amendments to the charter of the city of Long Beach and duly ratified the same; that said proposals of amendments to the charter of the city of Long Beach so ratified, as aforesaid, were and are amendments numbered one, three, five, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, seventeen, eighteen and nineteen; and that all other amendments received less than a majority of the votes of the qualified voters voting thereon and were rejected; and,

That the city council of said city of Long Beach, after duly and regularly canvassing the returns of said special municipal

election at the time and in the manner and form prescribed by law, duly found, determined and declared that a majority of the qualified voters of said city of Long Beach voting thereon had voted in favor of and ratified said proposals of amendments to the charter of the city of Long Beach known as amendments numbered one, three, five, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, seventeen, eighteen and nineteen; and that a majority of the qualified voters of said city of Long Beach voting thereon had voted against and rejected proposals of amendments to the charter of the city of Long Beach known as amendments numbered two, four, six, seven and sixteen; and,

That said proposals of amendments to the charter of the city of Long Beach ratified by the electors of said city of Long Beach, as aforesaid, are in words and figures as follows, to-wit:

Amendment No. 1 to the charter of the city of Long Beach:

QUORUM.

Quorum.

Sec. 40. A majority of the councilmen in office shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time, or may compel the attendance of other members in such manner and under such penalties as those present may prescribe, and shall hold public meetings at least once a week for the transaction of business; and no legislation shall be enacted except at public meetings.

Amendment No. 3 to the charter of the city of Long Beach:

POWERS OF THE CITY COUNCIL.

Sec. 44. The city council shall have the power:

Powers of council.

(15) To prescribe the fire limits and determine the character and height of buildings that may be erected therein and the nature of the materials to be used in the construction, alteration or repair of such buildings or in the repair or alteration of existing buildings within said fire limits; PROVIDED that the city council shall have power to enlarge but shall not diminish Fire District Number One which shall include all that portion of the city of Long Beach bounded as follows: beginning at the intersection of the southerly boundary line of the city of Long Beach with the prolongation southerly of the center line of Magnolia Avenue and running thence northerly along said prolongation southerly and said center line of Magnolia Avenue to the center line of Fourth Street; thence easterly along said center line of Fourth Street to the center line of Pacific Avenue; thence northerly along said center line of Pacific Avenue to the center line of Eighth Street; thence easterly along the center line of Eighth Street to the center line of Linden Avenue; thence southerly along the center line of Linden Avenue to the center line of Third Street; thence easterly along the center line of Third Street to the center line of Atlantic Avenue; thence southerly along the center line of Atlantic Avenue and the prolongation thereof

to the prolongation northerly of the center line of Atlantic Way; thence southerly along said prolongation northerly, said center line of Atlantic Way and the prolongation thereof to the southerly boundary line of the city of Long Beach; and thence westerly along said southerly boundary line to the point of beginning.

Amendment No. 5 to the charter of the city of Long Beach:

QUALIFICATIONS.

Sec. 49. Unless specifically stated to the contrary, all officers of the city of Long Beach, whether elective or appointive, and all assistants, deputies, clerks, attaches or other employees shall be bona fide residents of the city of Long Beach. No officer, assistant, deputy, clerk, attaché or other employee shall be in litigation against the city when elected or appointed.

Qualifications of officers, etc.

Amendment No. 8 to the charter of the city of Long Beach:

BONDS OF OFFICERS.

Sec. 60. The officers and employees of the city of Long Beach before entering upon the discharge of their official duties, shall give and execute to the city of Long Beach such official bonds as may be required by this charter, by general law or the ordinances of the city. The following named officers shall execute official bonds to the city of Long Beach in the following sums:

Official bonds.

City Manager—Twenty-five thousand (\$25,000.00) dollars.

City Treasurer—One hundred thousand (\$100,000.00) dollars.

City Tax Collector—Fifty thousand (\$50,000.00) dollars.

City Purchasing Agent—Twenty-five thousand (\$25,000.00) dollars.

Superintendent of the Water Department—Twenty-five thousand (\$25,000.00) dollars.

Police Judge—Fifteen thousand (\$15,000.00) dollars.

City Auditor—Ten thousand (\$10,000.00) dollars.

City Assessor—Ten thousand (\$10,000.00) dollars.

Such other and additional bonds may be required from time to time as the city council may deem proper.

Amendment No. 9 to the charter of the city of Long Beach:

ASSISTANT CITY MANAGER.

Sec. 89. The city manager shall have the power to appoint, with the confirmation of the city council, an assistant city manager who shall be empowered to perform all duties of the city manager in the event of the absence or disability of his chief, and such other duties as the city manager shall direct. The assistant city manager shall serve during the pleasure of the city manager.

Assistant city manager.

Amendment No. 10 to the charter of the city of Long Beach:

POWERS AND DUTIES OF THE CITY MANAGER.

Powers and
duties of city
manager.

Sec. 90. The powers and duties of the city manager shall be:

(b) To appoint and, except as herein provided, to remove all heads or directors of the departments, and all subordinate officers, assistants, deputies, clerks, attaches and employees in both the classified and unclassified service including the heads or directors of and all officers, assistants, deputies, clerks, attaches and employees in the departments of engineering, finance, public safety, fire, health and sanitation, social welfare, public recreation, public service, public utilities and harbor, EXCEPT the city clerk's department and elective officers and their appointees and such officers as shall be subject to appointment by the city council. PROVIDED that such appointments by the city manager must be with the confirmation of the city council in all cases so provided herein. All appointments shall be upon merit and fitness alone, and in the classified service all appointments and removals shall be subject to the civil service provisions of this charter.

Amendment No. 11 to the charter of the city of Long Beach:

ASSISTANTS.

Assistants.

Sec. 97. Except as otherwise provided in this charter, or by the rules of the Civil Service Board, the city clerk shall appoint, with the confirmation of the city council, such assistants, deputies, stenographers and other clerks to assist the city clerk as are required.

Amendment No. 12 to the charter of the city of Long Beach:

Appoint-
ments to
classified
positions.

Sec. 103. The chief examiner shall provide examinations for all positions in the classified service in accordance with regulations of the civil service board and shall maintain lists of eligibles of each class of service of those meeting the requirements of said regulations. All positions in the classified service shall be filled by the city manager and from such eligible lists. In making such appointments preference shall be given to bona fide residents of the city of Long Beach, or territory legally annexed thereto, who have been such residents for at least one year next preceding the date of their appointment, and who are, on such day, qualified electors of said city, subject, however, to the preference provided for in Section 101 of this charter. As positions are filled the chief examiner shall certify the fact by proper and prescribed form to the city treasurer and the head of the department in which the vacancy exists.

Amendment No. 13 to the charter of the city of Long Beach:

DISCHARGE OR REDUCTION.

Discharge or
reduction.

Sec. 106. No employee in the classified service shall be discharged or reduced in rank or compensation until he has been presented with reasons for such discharge or reduction in rank or compensation specifically stated in writing, and has been given an opportunity to be heard before the board in

his own defense. The reason for such discharge or reduction and any reply thereto by such employee, shall be in writing and filed with the civil service board. Verified written charges may be filed by any qualified elector of the city of Long Beach under such rules and regulations as may be prescribed by the civil service board. All charges shall be heard and trials had under such rules as the civil service board may prescribe. PROVIDED, that the provisions of this section are at all times subject and subordinate to the provisions of Section 108.

Amendment No. 14 to the charter of the city of Long Beach :

SUMMARY DISMISSAL.

Sec. 108. Any appointive officer or employee of the city, EXCEPT assistants, deputies, officers, clerks, employees and attaches holding office at the pleasure of an elective officer, may be summarily dismissed for the good of the service by the city manager with the consent of two-thirds of the city council. Summary dismissal.

Amendment No. 15 to the charter of the city of Long Beach :

PAYMENT OF CLAIMS.

Sec. 136 (2) The city auditor shall examine all payrolls, bills and other claims and demands against the city of Long Beach, and shall issue no warrant for payment unless he finds the claim is in proper form, correctly computed, and duly certified; that it is justly and legally due and payable; that an appropriation has been made therefor which has not been exhausted; that the payment has been legally authorized; and that there is money in the treasury to make payment. The city auditor may require any claimant to make oath to the validity of a claim; and for such purposes may examine witnesses under oath; and if he finds it fraudulent, erroneous, or otherwise invalid, he shall not issue a warrant therefor. Payment of claims.

Amendment No. 17 to the charter of the city of Long Beach :

GAS AND ELECTRIC INSPECTOR.

Sec. 213a. The city manager shall appoint, with the confirmation of the city council, one city gas and electric inspector to serve during the pleasure of the city manager. The city gas and electric inspector shall, subject to the approval of the city manager, inspect and test the quality of the gas distributed in the city of Long Beach and shall keep accurate and daily reports of the results of such tests. He shall gather, tabulate and preserve statistical information regarding the operations, revenues and expenditures of public utilities throughout the United States and keep on file in his office, at all times, all such information and other data regarding the relations of various public utilities to the municipalities in which they may operate and the activities of the commissions of the various states controlling public utilities. He shall make all tests, inspections and determinations in enforcing all laws, rules and ordinances concerning the Gas and electric inspector.

supervision and regulation of public utilities in the city of Long Beach. He shall perform such other duties as may be required by the city manager.

Amendment No. 18 to the charter of the city of Long Beach :

PROCEDURE FOR MUNICIPAL TAXATION.

Procedure for
municipal
taxation.

Sec. 263. Except as otherwise provided by ordinance or by the provisions of this charter, the assessment of property taxable in the city for municipal purposes, the equalization of assessments and collection of taxes, the sale of property for unpaid taxes and the redemption of property sold for taxes, shall be made and had at the same time and manner, and with like effect, as now or may be hereafter provided by the law for the assessment of property, equalization of assessments, levy and collection of taxes and sale of property for unpaid taxes for state and county purposes and redemption thereof; and all provisions of law applicable to such assessment, equalization, levy, collection and sale for state and county purposes, are hereby applied to and shall be the law governing such assessment, equalization, levy, collection and sale for municipal purposes, and the respective officers of the city shall have, possess and perform the same powers and duties in all matters concerning revenue and taxation for municipal purposes as are by law conferred or imposed upon county officers in matters concerning revenue and taxation for state and county purposes.

Amendment No. 19 to the charter of the city of Long Beach :

ARTICLE III.

POLITICAL SUBDIVISION OF THE CITY OF LONG BEACH.

Political
subdivision.

Section 1. The city of Long Beach, as hereinbefore described, shall be divided into political subdivisions, which shall be known as districts and each of which is particularly described and bounded as follows:

District
No. 1.

DISTRICT NO. 1. Beginning at the intersection of the center line of Cherry Avenue with the center line of Fourth Street and running thence easterly along said center line of Fourth Street and the prolongation thereof to the easterly boundary line of the city of Long Beach; thence southerly along said easterly boundary line to the southerly boundary line of said city; thence westerly along said southerly boundary line to the prolongation southerly of the center line of 16th Place; thence northerly along said prolongation southerly, said center line of 16th Place and the prolongation thereof to the center line of Ocean Boulevard; thence westerly along said center line of Ocean Boulevard to the prolongation southerly of the center line of Cherry Avenue; thence northerly along said prolongation southerly and said center line of Cherry Avenue to the point of beginning.

District
No. 2.

DISTRICT NO. 2. Beginning at an angle point in the boundary line of the city of Long Beach, said angle point being

the intersection of the southerly line of State Street with the easterly line of Loma Avenue and running thence southerly, easterly, southerly, easterly, southeasterly, southerly, easterly and southerly along said boundary line to the prolongation easterly of the center line of Fourth Street; thence westerly along said prolongation easterly and said center line of Fourth Street to the center line of Cherry Avenue; thence northerly along said center line of Cherry Avenue to a northerly boundary line of the city of Long Beach, said northerly boundary line being six hundred twenty feet south of and parallel to the southerly line of Anaheim Street; thence easterly along said northerly boundary line to the easterly line of Temple Avenue; thence northerly along said easterly line of Temple Avenue to the southerly line of State Street; and thence easterly along said southerly line of State Street to the point of beginning.

DISTRICT NO. 3. Beginning at the intersection of the center line of Fourth Street with the center line of Cherry Avenue and running thence southerly along said center line of Cherry Avenue and the prolongation thereof to the center line of Ocean Boulevard; thence easterly along said center line of Ocean Boulevard to the prolongation northerly of the center line of 16th Place; thence southerly along said prolongation northerly, said center line of 16th Place and the prolongation thereof to the southerly boundary line of the city of Long Beach; thence westerly along said southerly boundary line to the prolongation southerly of the center line of American Avenue; thence northerly along said prolongation southerly and said center line of American Avenue to the center line of Fourth Street; and thence easterly along said center line of Fourth Street to the point of beginning. District
No. 3.

DISTRICT No. 4. Beginning at the intersection of a northerly boundary line of the city of Long Beach, said northerly boundary line being six hundred twenty feet south of and parallel to the southerly line of Anaheim Street, with the center line of Cherry Avenue and running thence southerly along said center line of Cherry Avenue to the center line of Fourth Street; thence westerly along said center line of Fourth Street to the center line of American Avenue; thence northerly along said center line of American Avenue to the center line of Tenth Street; thence easterly along said center line of Tenth Street to the center line of Orange Avenue; thence northerly along said center line of Orange Avenue to the aforementioned northerly boundary line of the city of Long Beach; and thence easterly along said northerly boundary line to the point of beginning. District
No. 4.

DISTRICT No. 5. Beginning at an angle point in the boundary line of the city of Long Beach, said angle point being the intersection of the prolongation easterly of the northerly line of the "American Colony Tract" as per map recorded in Book 19, page 89, Miscellaneous Records of the county of Los Angeles, state of California, with the easterly boundary line of Los Angeles County; and running thence District
No. 5.

southwesterly, westerly, southerly, southeasterly, easterly, southwesterly, southerly, easterly, southerly, westerly, southerly, southeasterly, southerly, westerly, northerly, westerly, northwesterly, westerly, northerly, westerly, northerly, easterly, northerly, westerly, southwesterly, northerly, westerly, northerly, westerly, southerly, westerly, northerly, easterly, northerly, easterly, northerly, easterly, northerly, westerly, southerly, easterly, southerly, southeasterly, southerly, easterly, southerly and easterly following the various courses of the boundary line of the city of Long Beach to the center line of Orange Avenue; thence southerly along said center line of Orange Avenue to the center line of Tenth Street; thence westerly along said center line of Tenth Street to the center line of American Avenue; thence northerly along said center line of American Avenue and the prolongation thereof to a northerly boundary line of the city of Long Beach, said northerly boundary line being one hundred feet north of and parallel to the northerly line of Hill Street; thence easterly, northerly, easterly, southerly, easterly, northerly, westerly, northerly, easterly, northerly and easterly following the various courses of the boundary line of the city of Long Beach to the point of beginning.

District
No. 6.

DISTRICT NO. 6. Beginning at the intersection of the center line of Tenth Street with the center line of American Avenue and running thence southerly along said center line of American Avenue and the prolongation thereof to the southerly boundary line of the city of Long Beach; thence westerly along said southerly boundary line to the prolongation southerly of the center line of Magnolia Avenue; thence northerly along said prolongation southerly and said center line of Magnolia Avenue to the center line of Tenth Street; and thence easterly along said center line of Tenth Street to the point of beginning.

District
No. 7.

DISTRICT NO. 7. Beginning at the intersection of the center line of American Avenue with the center line of Tenth Street and running thence westerly along said center line of Tenth Street to the center line of Magnolia Avenue; thence southerly along said center line of Magnolia Avenue and the prolongation thereof to the southerly boundary line of the city of Long Beach; thence westerly along said southerly boundary line to the westerly boundary line of said city; thence northerly, northeasterly, northwesterly, northeasterly, northwesterly, northeasterly, easterly, northerly, easterly, southerly and easterly following the various courses of the boundary line of the city of Long Beach to the prolongation northerly of the center line of American Avenue as said American Avenue is located south of Anaheim Street; thence southerly along said prolongation northerly and said center line of American Avenue to the point of beginning.

Annexed
territory.

Sec. 1a. Whenever new territory containing a population of ten thousand or more shall be hereafter annexed to said city of Long Beach the city council shall, by ordinance, make

of such annexed territory one or more new districts containing, as near as may be, not more than ten thousand inhabitants each; if such annexed territory shall contain less than ten thousand inhabitants, the city council shall, by ordinance, alter the boundaries of the existing districts so as to include such annexed territory in one or more existing districts adjoining such annexed territory. In altering the boundaries of districts, or creating new districts, regard must be had to the number of inhabitants so that each district shall contain, as near as may be, an equal number of inhabitants exclusive of persons ineligible to citizenship in this state.

COMPOSITION—TERM OF CITY COUNCIL.

Sec. 39. The city council shall be elected on a general ticket, one from each of the districts in the city of Long Beach, but shall be elected by the electors of the entire city and shall serve for a term of three years beginning on the first Monday in July next after their election, and until their successors are elected and qualified. Vacancies in the city council shall be filled by the city council for the unexpired term. Absence from five consecutive regular meetings, unless excused by resolution of the city council, shall operate to vacate the seat of any member so absent. In the event of the creation of new districts, as provided in Section 1a hereof, the city council shall appoint one councilman from each such new district whose term shall expire with the terms of the councilmen then in office.

Composition and term.

ELECTION RESULTS.

Sec. 83. The candidate for city attorney, city auditor and police judge who shall receive the highest number of votes for his respective office shall be declared elected to such office. The entire electorate of the city of Long Beach shall be entitled to vote for one member of the city council from each district. Only one member of the city council shall be elected from each district; and the candidate for city council in each district receiving the highest number of votes shall be declared elected to such office.

Election results.

That the foregoing is a full, true and correct copy of said proposals of amendments to the charter of the city of Long Beach ratified by the electors of said city, as aforesaid, on file in the office of the city clerk of said city of Long Beach.

Certificate.

IN WITNESS WHEREOF, C. A. Buffum, mayor as aforesaid, and H. C. Waughop, city clerk as aforesaid, have hereunto set their hands and caused the corporate seal of the city of Long Beach to be thereunto duly affixed on this twenty-third day of April, one thousand nine hundred twenty-three.

[SEAL]

C. A. BUFFUM
 Mayor of the City of Long Beach.
 H. C. WAUGHOP
 City Clerk of the City of Long Beach.

Approval by
legislature.

and,
WHEREAS, said proposals of amendments to the charter of the city of Long Beach, ratified by the electors of said city as aforesaid, have been submitted to the legislature of the State of California for approval or rejection without alteration or amendment, in accordance with section eight of article eleven of the constitution of the State of California; now therefore, be it

Resolved by the assembly of the State of California, the senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said proposals of amendments to the charter of the city of Long Beach ratified by the electors of said city, as aforesaid, as presented to, adopted and ratified by the qualified electors of said city of Long Beach, and as hereinabove fully set forth, be and the same are, and each of them is, hereby approved as a whole without amendment or alteration as amendments to, and as a part of, the charter of the city of Long Beach.

CHAPTER 45.

Assembly Joint Resolution No. 23—Relative to the destruction of perishable products, and live stock.

[Filed with Secretary of State April 28, 1923.]

Railroad
strikes and
the shipment
of perishable
products, etc.

WHEREAS, The assembly of the State of California views with alarm the tremendous loss suffered by the farmers and producers of our state, during the last shipping season, a loss caused by railroad and labor conflicts. Now, therefore, be it
Resolved, by the assembly and senate, jointly, That we do most urgently request the state railroad commission of California and the interstate commerce commission of the United States of America to adopt such means of adjustment of the interests of the parties to the conflict as will prevent a repetition of the disastrous and ruinous losses suffered by the farmers and producers of our state; and we urge the enactment of such regulations as will provide for the immediate shipment of all perishable products and live stock, and be it further

Resolved, That a copy of this resolution be sent to each member of the interstate commerce commission of the United States and to each member of the railroad commission of the State of California.

CHAPTER 46.

Senate Concurrent Resolution No. 21—Approving an amendment to the charter of the city of Oakland, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at a nominating municipal election held therein on the seventeenth day of April, 1923.

[Filed with Secretary of State May 4, 1923.]

WHEREAS, Proceedings have been had and taken for the proposal, adoption and ratification of a certain amendment hereinafter set forth to the charter of the city of Oakland, a municipal corporation in the county of Alameda, State of California, as set out in the certificate of the mayor and the city clerk of said city of Oakland as follows to wit:

Oakland
city charter
amendment.

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss:
CITY OF OAKLAND }

WE, the undersigned, JOHN L. DAVIE, Mayor of the City of OAKLAND, State of California, and EUGENE K. STURGIS, City Clerk of said City, do hereby certify and declare as follows:—

THAT the City of Oakland a Municipal Corporation in the County of Alameda, State of California, now is and at all times herein mentioned was a City containing a population of more than three thousand five hundred inhabitants, and has been ever since the 1st day of July, and is now, organized, existing, and acting under a freeholder's Charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City at an election duly held for that purpose on the 17th day of April, 1923, and approved by the Legislature of the State of California, by concurrent Resolution filed with the Secretary of State on the 15th day of February 1911 (Statutes of 1911, p. 1551;)

THAT in pursuance of Section 8 of Article XI of the Constitution of the State of California, on its own motion, the Council of the City of Oakland, being the Legislative body of said City, by and in pursuance of Resolution No. 25879 N.S., passed by the said Council on the 19th day of February, 1923, and by and in pursuance of Resolution No. 26153 N.S., passed by said Council on the 28th day of March, 1923, duly submitted to the qualified electors of said City of Oakland a certain proposal for the amendment of the charter of said City, to be voted on by said qualified electors at the Nominating Municipal Election held in said City on the 17th day of April 1923, which said proposal was and is in words and figures following, to-wit:

That sections Nos. 91, 96½ and 97 of said charter be respectively amended to read as follows:

SALARIES.

Salaries.

Section 91. The officers and members of the Police Department shall receive annual compensations comprising their salaries of not less than the amounts hereinafter set forth, to-wit:

Chief of Police -----	\$3960.00
Captain of Inspectors -----	2970.00
Captains of Police, each -----	2706.00
Lieutenants, each -----	2376.00
Inspectors, each -----	2310.00
Assistant Inspectors, each -----	2178.00
Sergeants, each -----	2178.00
Corporals, each -----	2046.00
Patrolmen, first year of employment, each -----	1800.00
Patrolmen, second year of employment, each -----	1920.00
Patrolmen, third year of employment, each -----	1980.00

Said compensations shall be paid in equal monthly installments.

There shall be allowed to each officer and member of the Police Department in addition to their salaries the sum of \$2.00 per month for the Police Relief and Pension Fund, which said \$2.00 per month shall be retained by the Treasurer of the said City and forthwith paid by the said Treasurer into the said Police Relief and Pension Fund.

No other or further deduction shall be made from the pay of any officer or member of the Department for any fund or purpose unless the same is authorized by this Charter.

No compensation or salary less than those herein specified shall be paid to any officer or member of the Police Department and no rank or grade other than those herein specified shall be created in said Department.

When a temporary vacancy is caused in the Department in any rank above patrolman by sickness, injury, temporary retirement, leave of absence, vacation, or otherwise, the Chief of Police may assign an officer or member of the Department to the position so vacated from the next lower rank and from the eligible list of the Civil Service Board, if there be such eligible list, to fill said position until such time as the absent officer or member shall return. When any such vacancy is caused in the rank of patrolman the Chief of Police may assign a person to such vacancy from the eligible list of the Civil Service Board to fill said position until such time as the absent member shall return. Any officer, member or person so assigned to fill such temporary vacancy shall receive the salary attached to the rank to which he may be assigned and any person who was not previously a member of the Police Department who may receive a temporary assignment as patrolman shall be a member of the Department during the time of such assignment.

Persons holding the position of Police Patrol Wagon Driver or Chauffeur in the Police Department at the time this amend-

ment to the Charter takes effect and who shall then have served at least ten years in such position shall be ranked as patrolmen and receive the same compensation as the other patrolmen of the Department.

That Section 96½ of said Charter be amended to read as follows:

MATRONS—SALARIES AND PENSIONS.

Section 96½. There shall be employed in the Department of Public Health and Safety such number of matrons and substitute matrons of the City Prison as the Council shall from time to time prescribe by ordinance, providing that such number of matrons shall be not less than three and that such number of substitute matrons shall not be less than one. The matrons and substitute matron holding positions under Ordinances Nos. 189 N. S. and 530 N. S. on January 17, 1919, shall be entitled to appointment by the Commissioner of Public Health and Safety to the first three positions of matron and the first position of substitute matron created hereunder. All other appointments of matrons and substitute matrons shall be made by the Commissioner of Public Health and Safety from the eligible list of the Civil Service Board. The compensation of said matrons shall be not less than \$1500.00 per annum each. Such compensation shall be payable in equal monthly installments. The compensation of said substitute matrons shall be at the rate of not less than \$1500.00 per annum each, to be paid only for the time during which said substitute matrons shall actually perform the services of matrons. There shall be allowed to each of said matrons and substitute matrons, in addition to their compensation, the sum of \$2.00 per month for the Police Relief and Pension Fund, which said \$2.00 per month shall be retained by the Treasurer of the City of Oakland and forthwith paid by the City Treasurer into the said Police Relief and Pension Fund. Said matrons and substitute matrons shall be entitled as if officers or members of the Police Department to all of the rights, privileges and benefits conferred by Sections 92, 92½, 93, 94, 95 and 96 of the Charter upon officers or members of the Police Department. Each of the matrons holding position on January 17, 1919, shall be entitled to have the aggregate time of service rendered by her under all previous appointments added to and included with her time of service under the appointment to be made pursuant hereto in computing her years of service for the purpose of establishing her rights, privileges and benefits under Sections 94 and 96. The substitute matron holding position on January 17, 1919, shall be entitled to have the aggregate time of actual service rendered by her under all previous appointments added to and included with her time of actual service under the appointment to be made pursuant hereto in computing her years of actual service for the purpose of establishing her rights, privileges and benefits under Sections 94 and 96.

That Section 97 of said Charter be amended to read as follows:

POSITIONS AND SALARIES.

Positions.

Section 97. The Fire Department shall consist of the following positions and the respective ranks thereof shall be in the order as in this paragraph enumerated:

- (1) Chief of the Fire Department.
- (2) First Assistant Chief of the Fire Department.
- (3) Second Assistant Chief of the Fire Department.
- (4) Battalion Chiefs.
- (5) Superintendent of Engines.
- (6) Captains.
- (7) Lieutenants.
- (8) Engineers.
- (9) Chiefs' Operators.
- (10) Stokers and Hosemen.

Provided that the City Council may create other positions as the necessity of the City may require.

There shall be not less than the following number of occupants of said positions, to-wit:

- One Chief of the Fire Department.
- One First Assistant Chief of the Fire Department.
- One Second Assistant Chief of the Fire Department.
- Four Battalion Chiefs.
- One Superintendent of Engines.
- Seven Captains.
- Twenty-one Lieutenants.
- Twenty-one Engineers.
- Six Chiefs' Operators.
- Thirteen stokers and one hundred sixty-two Hosemen.

Provided that the City Council may increase the number of occupants of said positions as the necessity of the City may require.

Promotions.

Promotions in the Fire Department shall be based on ascertained merit, seniority of service and standing upon competitive examination; and in all cases, where practicable, vacancies shall be filled by promotion from among such members of the next lower rank, without further physical examination or agility test, as present themselves for examination for promotion. Appointment to the lowest rank in the department shall be made from those highest on the eligible list.

In case the Fire Department is reduced for any reason, the last member or members appointed shall be the first ones laid off and so on in rotation until the required number is reached. When the Department is increased at any time, any member or members previously laid off pursuant to a reduction in the number of members of the Department shall be reinstated in the order of their original certification.

The holders of all positions in the Fire Department are members of the said Fire Department.

The members of the Fire Department shall receive annual ^{Salaries.} compensations comprising their salaries of not less than the amounts hereinafter set forth, to-wit:

Chief of the Fire Department.....	\$3,960.00
First Assistant Chief of the Fire Department.....	3,102.00
Second Assistant Chief of the Fire Department.....	3,102.00
Battalion Chiefs, each.....	2,574.00
Superintendent of Engines, each.....	2,904.00
Captains, each.....	2,310.00
Lieutenants, each.....	2,178.00
Engineers, each.....	2,178.00
Chiefs' Operators, each.....	2,046.00
Stokers and Hosemen, first year of employment, each.....	1,800.00
Stokers and Hosemen, second year of employment, each.....	1,920.00
Stokers and Hosemen, third year of employment, each.....	1,980.00

Said compensations shall be paid in equal monthly installments.

There shall be allowed to each member of the Fire Department, in addition to their salaries, the sum of two dollars per month for the Firemen's Relief and Pension Fund, which said two dollars a month shall be retained by the Treasurer of the said City and forthwith paid by the said Treasurer into the said Firemen's Relief and Pension Fund.

No other further deduction shall be made from the pay of any member of the department for any fund or purpose, unless the same is authorized by this Charter.

No compensation or salary less than herein specified shall be paid to any member of the Department in the ranks above enumerated. When temporary vacancies are caused in the Department in any rank above Stoker and Hoseman by sickness, injury, temporary retirement, leaves of absence, vacations or otherwise, the Chief of the Fire Department may assign a member of the Department to the position so vacated from the next lower rank and from the eligible list of the Civil Service Board, if there be such eligible list, to fill said position until such time as the absent member shall return. When any such vacancy is caused in the rank of Stoker and Hoseman, the Chief of the Fire Department may assign a person to such vacancy from the eligible list of the Civil Service Board to fill said position until such time as the absent member shall return. Any member or person so assigned to fill such temporary vacancy shall receive the salary attached to the rank to which he may be assigned; and any person who was not previously a member of the Fire Department who may receive such a temporary assignment, shall be a member of the Department during the time of such assignment.

All members of the Fire Department occupying any of the ranks hereinbefore enumerated and who shall be in good standing in the Department at the time this amendment to the Charter takes effect, shall be retained in their respective positions, except as otherwise in this Charter provided.

Certificate.

THAT such proposed amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and in accordance with the provisions of the Charter of the City of Oakland, in the "Post-Enquirer" a daily newspaper of general circulation published in said City of Oakland and the official paper and newspaper of said City.

THAT copies of said proposed amendments were printed in convenient pamphlet form, and until the date fixed for the election hereinafter described, and as required by law, an advertisement was published in said "Post-Enquirer"; that such copies could be had upon application therefor at the office of the City Clerk of the City of Oakland.

THAT such copies could be had upon application therefor at the office of said City Clerk until the date fixed for the election hereinafter described.

THAT the Council of the City of Oakland, the Legislative body of said City, by its Resolution No. 26153 N. S., passed on the 28th day of March, 1923, did order the holding of the Nominating Municipal Election in said City of Oakland, on the 17th day of April, 1923, said day being at least forty days after the completion of advertising of said proposed amendment in said official paper of said City, and not more than sixty days after the completion of such advertising, and did provide in said Resolution for the submission of the proposed amendments to the Charter to the qualified electors of said City for their ratification at such election.

THAT said election was duly called and held on the 17th day of April, 1923, and at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify the proposed amendments to the Charter of the City of Oakland hereinabove set forth.

THAT the returns of said election were in accordance with the law in such cases made and provided duly and regularly canvassed and certified to, and it was duly found, determined and declared by the proper officers, thereunto duly and properly authorized, that a majority of the qualified electors of said City voting thereon had voted for and ratified said proposed amendments to said Charter hereinabove set forth.

AND WE FURTHER CERTIFY that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Oakland with the original proposal submitting the same to the electors of said City at an election held on the 17th day of April, 1923, and find that the foregoing is a full, true and correct and exact copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of said City of Oakland to be affixed hereto, this 20th day of April, 1923.

JOHN L. DAVIE

Mayor of the City of Oakland.

EUGENE R. STURGIS

City Clerk of the City of Oakland.

(SEAL)

WHEREAS, Said proposed amendment so ratified as hereinbefore set forth has been and is now duly presented and submitted to the legislature of the State of California for approval or rejection without power of alteration in accordance with section eight of article eleven of the constitution of the State of California;

Approval by
legislature.

Now, therefore, be it resolved by the senate of the State of California, the assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the charter of the city of Oakland as proposed to and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same is hereby approved as a whole without amendment or alteration, for and as an amendment to, and as a part of the charter of said city of Oakland.

CHAPTER 47.

Assembly Concurrent Resolution No. 12—Relative to adjournment sine die.

[Filed with Secretary of State May 5, 1923.]

Resolved by the assembly, the senate concurring, That the forty-fifth session of the California legislature do adjourn sine die, at five o'clock p.m. Friday, May 18, 1923.

Adjournment
sine die.

CHAPTER 48.

Assembly Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to section eleven of article six of the constitution of the State of California, relative to inferior courts.

[Filed with Secretary of State May 9, 1923.]

Resolved by the assembly, the senate concurring. That the legislature of the State of California at its forty-fifth regular session, commencing on the eighth day of January, 1923, two-thirds of all the members elected to each of the two houses thereof voting in favor hereof, proposes to the people of the State of California to amend section eleven of article six of the constitution of said state to read as follows:

Constitutional
amendment.

Sec. 11. The legislature shall determine the number of each of the inferior courts in incorporated cities or towns, and in townships, counties, or cities and counties, according to the population thereof and the number of judges or justices thereof, and shall fix by law the powers, duties and responsibilities of each of such courts and of the judges or justices thereof; *provided*, such powers shall not in any case trench upon the jurisdiction of the several courts of record, except that the legislature shall provide that said courts shall have

Justices of
the peace,
provision for.

concurrent jurisdiction with the superior courts in cases of forcible entry and detainer, where the rental value does not exceed seventy-five dollars per month, and where the whole amount of damages claimed does not exceed three hundred dollars, and in cases to enforce and foreclose liens on personal property when neither the amount of liens nor the value of the property amounts to three hundred dollars.

CHAPTER 49.

Assembly Joint Resolution No. 17, relative to memorializing congress to adopt a bill introduced by Hon. John E. Raker to provide compensation in lieu of taxes for the several states with respect to certain lands of the United States within the borders of said states, and for other purposes.

[Filed with Secretary of State May 9, 1923.]

Approval of
bill to
provide
compensation
in lieu of
taxes on
certain
U. S. lands.

WHEREAS, Hon. John E. Raker, member of congress from the second district of California, has introduced a bill in the house of representatives (H. R. 11789), which provides: "That the United States government hereby assumes, subject to the conditions of this act or any subsequent act of congress, the payment to the several states of sums of money equivalent to the amounts which such states would receive from the taxation of said lands of the United States within their respective borders if such lands were owned by individuals;" and

WHEREAS, The amount which California would receive from the taxation of the lands of the United States within the boundaries of the state and "set apart, reserved, or withdrawn under the provisions of section twenty-four of the act of congress approved March 3, 1891," would be over five million dollars annually; and

WHEREAS, This amount would be distributed almost entirely among the remote and mountainous counties of the state, thus greatly benefiting communities where assessed valuations are low by reason of the exemption from annual taxation of the lands of the United States above referred to; and where the cost of building and upkeep of roads and highways is high on account of the mountainous surface; and where the population is sparse because these lands of the United States are withdrawn from settlement, improvement and development under the homestead laws; and where forest depletion contrary to economic demands and forest perpetuation are the results of high taxes; and

WHEREAS, The lands of the United States above referred to, comprising at least half the area of several mountain counties and nearly one-fifth the total area of the state, while exempt from annual taxation, are being put to commercial and industrial uses for the benefit of all the people of the United States, which places these lands on the same basis as to use with assessed and taxed lands used for the same purposes; and

WHEREAS, It is only just and right that a heavy burden of local annual taxation should not be placed on the people of any state in which and by reason of the fact that extensive areas of land and great natural resources are set aside and reserved for the economic use and benefit of all the people of the United States; now, therefore, be it

Resolved by the assembly and senate, jointly, That the legislature of the State of California approves the purposes of the bill referred to and respectfully requests its support and adoption by the congress of the United States at the earliest possible date: and be it further

Resolved, That any moneys returned to the State of California under said, or any similar bill, be so returned to said state for the benefit of the several counties in which any such lands are situated, the same to be paid to said counties in the proportion in which said lands are so situated.

Resolved, That the speaker of the assembly be authorized to transmit copies of this resolution by mail to the governors of the states of Oregon, Washington, Idaho, Montana, Wyoming, Utah, Nevada, Colorado, New Mexico, and Arizona, with the request that similar action be taken by their respective legislatures; and be it further

Resolved, That the speaker of the assembly be authorized to transmit copies of this resolution, by mail, to all the members of congress and the senate of the United States.

CHAPTER 50.

Assembly Joint Resolution No. 19—Relative to the service of the Honorable Dr. Ernest Dozier in the United States Army.

[Filed with Secretary of State May 9, 1923.]

WHEREAS, The president of the United States has conferred the distinguished service cross upon men who have rendered distinguished service during the Spanish American war, but who are now out of the service; and

Requesting
President to
confer
D. S. C. on
Dr. Ernest
Dozier.

WHEREAS, Dr. Ernest Dozier, now a member of the legislature of the State of California, rendered on August 5, 1898, distinguished service in the military operations before Manila, in crossing a fire-swept field in the face of the enemy to repair a broken telegraph wire which connected the front line with headquarters and for such valiant service received the certificate of merit from the then president of the United States, William McKinley; and was mentioned in General Orders Number 15, War Department, Washington, February 13, 1900: therefore, be it

Resolved by the assembly and senate, jointly, That the legislature of the State of California, respectfully request the president of the United States to confer upon our honorable

associate in the legislature the distinguished service cross; and, be it

Further resolved, that copies of this resolution be forwarded by the chief clerk of the assembly to the president of the United States, to the secretary of war and to each of California's senators and representatives in congress.

CHAPTER 51.

Assembly Joint Resolution No. 21—Relative to the adoption of an amendment to the constitution of the United States prohibiting child labor.

[Filed with Secretary of State May 9, 1923.]

Urging
congress to
submit a
"child labor"
amendment
to U. S.
constitution.

WHEREAS, Child labor conditions in some states of the United States are deplorable and children are being exploited in industry, and laws passed by congress to prohibit child labor have been held unconstitutional; and

WHEREAS, At the present time there is no uniform or general law in the United States prohibiting child labor; and,

WHEREAS, The advisability and urgency of an amendment to the constitution of the United States prohibiting child labor is very great; now, therefore, be it

Resolved by the assembly and senate, jointly, That the legislature of the State of California urges upon the congress of the United States that it submit to the legislatures of the several states such an amendment to the constitution of the United States; and be it further

Resolved, That the secretary of the senate and the chief clerk of the assembly be and are hereby directed to forward copies of these resolutions to the president of the United States and to each of California's senators and representatives in congress.

CHAPTER 52.

Assembly Concurrent Resolution No. 8—Relative to the extending by the California legislature of an invitation to the national encampment of the Grand Army of the Republic, to hold the session of one thousand nine hundred twenty-four of the national encampment in the city of Pasadena California.

[Filed with Secretary of State May 9, 1923.]

Invitation to
G. A. R. to
hold 1924
national
encampment
at Pasadena

WHEREAS, The national encampment of the Grand Army of the Republic is a matter of state and national importance; and

WHEREAS, The Grand Army of the Republic is an institution maintained to foster and promote American patriotism and loyalty; and

WHEREAS, The national encampment of the Grand Army of the Republic has been considering holding the session of one thousand nine hundred twenty-four in California; and

WHEREAS, The John F. Godfrey post in the city of Pasadena is suitably equipped and situated and is desirous of having such annual session in the city of Pasadena; and

WHEREAS, Due to the fact that the soldiers of the civil war are passing rapidly and this would be the last session of the national encampment which could ever be held in California; now, therefore, be it

Resolved by the assembly of the State of California, the senate concurring therein, That the legislature of the State of California extends a cordial invitation to the national encampment of the Grand Army of the Republic to hold the session of one thousand nine hundred twenty-four in the city of Pasadena, California; and be it further

Resolved, That the chief clerk of the assembly be and is hereby instructed to forward copies of this resolution to the proper officials of the national encampment of the Grand Army of the Republic.

CHAPTER 53.

Assembly Concurrent Resolution No. 13—Relating to an investigation of the expenditures of the state reclamation board in Sutter-Butte by-pass project No. 6, in the Sacramento-San Joaquin drainage district.

[Filed with Secretary of State May 9, 1923.]

WHEREAS, There is a large number of landowners in the Sacramento-San Joaquin drainage district interested in Sutter-Butte by-pass project No. 6 who are dissatisfied with the expenditures which have been made and are being made by the state reclamation board in Sutter-Butte by-pass project No. 6; and,

Investigation of expenditures of state reclamation board in Sutter-Butte by-pass project No. 6.

WHEREAS, Such landowners who are vitally concerned in and affected by the carrying out of such project and in the expenditures which are being made thereon are demanding correct statements and information concerning such expenditures; and,

WHEREAS, It is for the best interests of the state reclamation board, of such landowners themselves and of the general public to find out and be informed whether such dissatisfaction is based upon misinformation or ignorance in order that the state reclamation board may be restored to a position of confidence or whether such complaints are based upon facts in order that a remedy may be found through legislative action; therefore, be it

Resolved by the assembly, the senate concurring, That the president of the senate shall appoint three members and the speaker of the assembly shall appoint three members who shall act as a committee of the legislature to investigate the matters herein referred to and of affording such landowners and any persons interested an opportunity of presenting their complaints and their suggestions as to remedies; and be it further

Resolved, That while the legislature is in session the committee in carrying out such investigation shall be assigned the use of a stenographer and an assistant sergeant-at-arms, and at all times in conducting such investigation shall have the right to subpoena such witnesses as they may deem necessary.

CHAPTER 54.

Assembly Concurrent Resolution No. 22—Approving two amendments to the charter of the city of Glendale, State of California, voted for and ratified by the qualified electors of said city of Glendale at a general municipal election held therein on the tenth day of April, 1923.

[Filed with Secretary of State May 9, 1923.]

Glendale
city charter
amendments.

WHEREAS, The city of Glendale in the county of Los Angeles, State of California, is now, and at all times herein mentioned was, a city containing a population of more than three thousand five hundred inhabitants as ascertained by the last preceding census taken under the authority of the congress of the United States, and is now, and ever since the year 1921, has been organized and acting under a freeholder's charter adopted under and by virtue of section eight of article eleven of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the twenty-ninth day of March, 1921, and approved by the legislature of the State of California on the eleventh day of May, 1921; and,

WHEREAS, Pursuant to said section eight of article eleven of the constitution of the State of California, proceedings have been duly had in and by said city of Glendale and by the council thereof, by which two proposed amendments to the charter of said city of Glendale were submitted to the qualified electors of said city at a general municipal election held therein on the tenth day of April, 1923, and at said election a majority of the qualified voters voting on each of said amendments respectively voted in favor thereof; and,

WHEREAS, The mayor and city clerk of the said city of Glendale have duly certified to the submission to the electors of said city of said proposed amendments to said charter and to the ratification thereof, and have duly certified to a copy of the said proposed amendments, authenticated by the seal of said city, and proceedings have been had in the matter of the proposal and ratification of said amendments as set forth in said certificate, which certificate is in words and figures as follows, to wit:

STATE OF CALIFORNIA, }
 County of Los Angeles } ss.
 City of Glendale. }

We, the undersigned, Spencer Robinson, Mayor of the City of Glendale, and A. J. Van Wic, City Clerk of said City of Glendale, do hereby certify and declare as follows: Certificate.

That the City of Glendale, in the County of Los Angeles, State of California, is now and at all times herein referred to was a City containing a population of more than thirty-five hundred inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States, and said City is now, and ever since the year 1921 has been, organized and acting under a free holder's charter adopted under and by virtue of Section 8, Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said City at a special election held for that purpose on the 29th day of March, 1921, and approved by the Legislature of the State of California on the 11th day of May, 1921.

That on the 15th day of February, 1923, by resolution duly adopted, the Council of said City of Glendale, pursuant to said Section 8 of Article XI of the Constitution of the State of California, duly proposed to the qualified electors of said City of Glendale certain amendments to the charter of said City to be submitted to the qualified electors of said City at the general municipal election to be held in said City on the 10th day of April, 1923, which said amendments were and are in words and figures as follows:

CHARTER AMENDMENT No. 5.

That Section 13 of Article VI of said Charter be amended to read as follows:

SECTION 13. VACANCIES IN ELECTIVE OFFICES:

Any member of the Council who is absent from all meetings thereof for two (2) consecutive months, unless excused by the Council, shall forfeit his seat. Any vacancy occurring in the Council shall be filled by a majority vote of the remaining members of the Council. Any vacancy occurring in the Board of Education shall be filled by a majority vote of the remaining members of the Board of Education. Any vacancy occurring in any other elective office shall be filled by a majority vote of the whole Council. The person appointed to fill a vacancy in any elective office shall serve until his successor is elected and qualified; provided, that where the term of the office to which such person is appointed expires on the first Monday following the next General Municipal Election to be held after the occurring of the vacancy, such person shall serve for the remainder of the unexpired term. Except as herein provided, the successor of any person appointed to fill a vacancy in an elective office shall be elected at the next General Municipal Election held after the

Vacancies
in elective
offices.

occurring of the vacancy, provided there is sufficient time after the occurring of the vacancy to nominate and elect said successor at said next General Municipal Election; and if there is not sufficient time so to do, such person, so appointed, shall hold for the remainder of the unexpired term.

CHARTER AMENDMENT No. 6.

That Section 1 of Article VIII of said Charter be amended to read as follows:

Attorney.

SECTION 1. The City Attorney shall, at the time of his appointment, be a qualified elector of the City and an attorney duly admitted to practice law in the State of California, and shall have been actually engaged in the practice of law in this State for a period of at least four years next before his appointment. He shall appoint and remove all such deputies and assistants as the Council may authorize, subject to the approval of the Council.

That within fifteen days from the passage of said resolution proposing said charter amendments, the said amendments were published by one insertion in the Glendale Daily Press, the official newspaper of the City of Glendale, and said Council caused a sufficient number of copies of said proposed amendments to be printed in convenient pamphlet form and kept in the office of the City Clerk of said City of Glendale for public distribution, and caused said Clerk to distribute said copies to any and all persons applying therefor, and caused to be published in said Glendale Daily Press, and there was published in said newspaper, from the date of publication of said proposed amendments to the date fixed for said election, notice that said printed copies of said proposed amendments might be had upon application therefor at the office of said City Clerk.

That thereafter the Council of said City, by an ordinance known and designated as Ordinance No. 763, duly adopted on the 15th day of March, 1923, duly called and ordered to be held a general municipal election in said City of Glendale on the 10th day of April, 1923, and ordered the submission of said proposed charter amendments to the qualified electors of said City at said general municipal election, the date of which election was more than forty (40) days and less than sixty (60) days after the publication of such proposed amendments in said Glendale Daily Press, which said ordinance was duly published once a week for two weeks before the time appointed for said general municipal election, in the official newspaper of said City, to-wit, said Glendale Daily Press.

That said general municipal election was held on said 10th day of April, 1923, and at such general municipal election a majority of the qualified electors voted in favor of the ratification of, and did ratify, said proposed charter amendments Nos. 5 and 6.

That the Council of said City of Glendale at a regular meeting thereof held on the 12th day of April, 1923, duly

canvassed the returns of said election and duly found, determined and declared that a majority of such qualified electors voting thereon had voted for and ratified said proposed charter amendments Nos. 5 and 6. That we have compared the foregoing copy of said proposed and ratified amendments with the original of said proposed amendments, and find that they are correct.

IN WITNESS WHEREOF we have hereto set our hands and affixed the corporate seal of said City of Glendale this 12th day of April, 1923.

[SEAL]

SPENCER ROBINSON,
Mayor of the City of Glendale.
A. J. VAN WIE,
City Clerk of the City of Glendale.

and,

WHEREAS, Said two proposed amendments so ratified as hereinbefore set forth have been duly submitted to the legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with section eight of article eleven of the constitution of the State of California; now, therefore, be it

Approval by legislature.

Resolved by the assembly of the State of California, the senate concurring, and a majority of all the members elected to each house voting therefor and concurring therein, That the said two proposed amendments to the charter of the city of Glendale contained in said certificate hereinbefore set forth and designated as charter amendments numbers five and six, and hereinbefore set forth in full as proposed and submitted to and adopted and ratified by the qualified electors of said city, be and the same are hereby approved as a whole for and as amendments to the charter of the city of Glendale.

CHAPTER 55.

Senate Joint Resolution No. 16—Relative to the proper care and relief of aged and infirm Indians in the State of California.

[Filed with Secretary of State May 12, 1923.]

WHEREAS, The senate of the State of California believes from definite information presented to, and by members of this body, that there is urgent need for directing the attention of the federal government to the fact that many aged and infirm Indians in the State of California are actually suffering from a lack of the necessities of life, a condition which should be remedied in accordance with certain treaties heretofore enacted between the government of the United States and the California Indians; now, therefore be it

Ongoing investigation of condition of aged and infirm Indians.

Resolved by the senate and the assembly, jointly, in biennial session at Sacramento, California, this twenty-sixth day of March, 1923, That we most respectfully urge the authorities intrusted with the federal administration of Indian affairs, to

make an immediate investigation, to the end that the conditions complained of, may be adequately remedied, and relief afforded.

Resolved, further, That copies of this resolution be made by the secretary of the senate, and transmitted to the president of the United States, the secretary of the interior, the commissioner of Indian affairs, and to each of the California senators and representatives in congress.

CHAPTER 56.

Senate Joint Resolution No. 18—Relative to needy Indians within the State of California.

[Filed with Secretary of State May 12, 1923.]

Urging
provision
for needy
Indians
and for
adjudication
of their
claims.

WHEREAS, There are within the borders of the State of California approximately twenty thousand Indians on land of little or no value, of whom at least four thousand are without any land or homes, and furthermore, there are about four thousand Indian children of school age of whom two thousand five hundred are without adequate or any school facilities, and a considerable number of the Indian population are without necessary food, shelter and medical attendance; and

WHEREAS, The national government through a duly authorized commission in the years 1851 and 1852 negotiated eighteen separate treaties with the Indians of this state, and secured the signatures of four hundred one Indian chiefs and headmen to said treaties, agreed to reserve for them in perpetuity about seven million five hundred thousand acres of land and to pay said Indians approximately one million eight hundred thousand dollars in sundry goods for the other lands they agreed to cede to the United States and to provide them with sufficient educational and agricultural instruction, and the facilities necessary therefor; and

WHEREAS, The national government has failed to fully compensate them for their rights in or to land and to provide for them educationally; and

WHEREAS, The massing of these Indians in thinly populated districts makes provision for them at the expense of their white neighbors, under the prevalent school and pauper laws of the state, an unfair, inequitable and intolerable burden; and

WHEREAS, It has been the general policy of the national government to assume the care and education of the Indians, yet it has not always been practicable or for the best interests of the Indians themselves to remove them to reservations; and

WHEREAS, The general policy of the state and national cooperation as outlined by the Indian board of cooperation of California (incorporated) has already been approved by the state legislature and by congressional and administrative acts; now, therefore, be it

Resolved by the senate and assembly of the State of California, jointly, That our representatives in congress be and are

hereby memorialized to secure provision in the Indian appropriation bill (1) for the purchase of adequate and permanent allotments with necessary improvements for homeless Indians; (2) for providing school buildings and equipment for Indians in public school districts where the Indian population and the necessities warrant it; and (3) for cooperation with county officials in securing proper care for sick and destitute Indians, until the necessity therefor no longer exists; and be it further

Resolved, That our representatives in congress be, and are hereby, urged to put forth their best and united efforts to secure the enactment by congress of an adequate bill conferring jurisdiction upon the courts of the United States to hear and to adjudicate all claims, both legal and equitable, which the several tribes or bands of Indians of California may have against the United States government for lands taken from them without compensation therefor; and be it further

Resolved. That the governor of the State of California, upon the passage of this resolution, shall forward a copy thereof to the president of the United States, the vice president of the United States in his capacity as presiding officer of the senate, the speaker of the house of representatives, to each of our representatives in congress, each member of the house and senate committees on Indian affairs, the secretary of the interior, and the commissioner of Indian affairs.

CHAPTER 57.

Senate Concurrent Resolution No. 25—Approving four certain amendments to the charter of the City of Los Angeles, in the County of Los Angeles, State of California, voted for and ratified by the electors of said City of Los Angeles at a special municipal election held therein on the first day of May, 1923.

[Filed with Secretary of State May 12, 1923.]

WHEREAS, The city of Los Angeles, in the county of Los Angeles, State of California, contains a population of over five hundred thousand inhabitants, and has been ever since the year 1889, and now is, organized and acting under a freeholders' charter, adopted under and by virtue of section eight, article eleven of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the twentieth day of October, 1888, and approved by the legislature of the State of California on the thirty-first day of January, 1889 (statutes of 1889, page four hundred fifty-five); and

WHEREAS, The legislative body of said city, namely: the council of said city, did, pursuant to the provisions of section eight of article eleven of the constitution of the State of California, by resolution adopted March 21, 1923, duly propose to the qualified electors of said city of Los Angeles four amend-

Los Angeles
city charter
amendments.

Los Angeles
city charter
amendments.

ments to the charter of said city, and ordered that said amendments be submitted to said qualified electors of said city at a special municipal election to be held in said city on the first day of May, 1923, which date was fixed in said resolution as the date for holding said special municipal election; and

WHEREAS, Said proposed charter amendments were on March 22, 1923, duly published in The Los Angeles Daily Journal, a daily newspaper of general circulation in said city of Los Angeles, and the newspaper designated by said council for that purpose, and said proposed amendments were printed in convenient pamphlet form, and from March 22, 1923, to May 1, 1923, both inclusive, a notice was published in The Los Angeles Daily Journal, a daily newspaper of general circulation in said city, that such copies could be had upon application therefor at the office of the city clerk of said city; and

WHEREAS, The said council of said city did by ordinance designated as ordinance number forty-six thousand twenty (new series), which was duly adopted on the sixteenth day of April 1923, order the holding of a special municipal election in said city of Los Angeles on the first day of May, 1923, which said date was not less than forty days and not more than sixty days after the completion of the publication of said proposed amendments as aforesaid, which said ordinance was approved by the mayor of said city on the seventeenth day of April, 1923, and was published for at least five times prior to the time for the holding of said election, to wit, on April 18, 19, 20, 21 and 23, 1923, in The Los Angeles Daily Journal, a daily newspaper printed and published in said city; and

WHEREAS, Said proposed charter amendments were, by said ordinance, designated as charter amendments Nos. "1," "2," "3" and "4"; and

WHEREAS, Said special municipal election was held in said city of Los Angeles on the first day of May, 1923, which day was not less than forty days and not more than sixty days after said proposed amendments to said charter had been published once in The Los Angeles Daily Journal, and said election was also held during the six months next preceding a regular session of the legislature of the State of California or thereafter and before the final adjournment of that session; and

WHEREAS, Thereafter, to wit, on the third, fourth and fifth days of May, 1923, the council of said city did duly and regularly canvass the returns of said election and did on the fifth day of May, 1923, in the manner provided by law, duly declare the result thereof; and

WHEREAS, At said special municipal election, held on the first day of May, 1923, said proposed amendments were ratified by a majority of the electors of said city voting thereon; and

WHEREAS, The said charter amendments so ratified by the electors of the city of Los Angeles are now submitted to the legislature of the State of California for approval or rejection

as a whole, without power of alteration or amendment, in accordance with section eight of article eleven of the constitution of the State of California, and are in words and figures as follows, to wit:

That Section 239 of Article XXIII of the Charter of the City of Los Angeles is hereby amended to read as follows: Civil service exemptions.

Sec. 239. The provisions of this article shall apply to all departments, divisions and branches of the city government, including therein all employees of the city, except that the following shall be exempt therefrom, to wit:

All officers elected by the people.

All members of the several boards and commissions.

The Mayor's Clerk.

The City Engineer and his chief deputy.

The Tax and License Collector and his chief deputy and cashier.

The chief deputy of the Auditor.

The City Superintendent of Schools and assistants and deputies, and all teachers and employees in the School Department.

The assistants, deputies, clerks and stenographers of the City Attorney.

The City Prosecutor, and his assistants, deputies, clerks and stenographers.

The Librarian and the heads of the several departments in the Public Library.

The Superintendent of Parks.

The Secretary of the Park Commission.

The Secretary of the Police Commission.

The Health Commissioner.

The Chief Engineer of Waterworks, the Electrical Engineer, Auditor and Cashier of the Department of Public Service.

The Engineer and Secretary of the Board of Public Utilities.

The Traffic Manager, Secretary, Port Warden and pilots of the Harbor Department.

The Harbor Engineer and Assistant Harbor Engineer.

The Secretary of the Playground Commission.

The Inspector of Public Works.

All physicians appointed by the Health Commissioner.

All officers of election.

The Police Surgeon and assistant police surgeons.

Persons employed to render professional, scientific, technical or expert services of an occasional and exceptional character upon the request of the head of the department in which such persons are to be employed, approved by the City Council by resolution adopted by two-thirds of all of its members.

Any of the following persons may be exempted from the provisions of this article, upon the request of the head of the department in which they are employed, by order of the Board of Civil Service Commissioners, approved by the Council by

resolution passed by the vote of two-thirds (2/3) of all its members, to-wit: (a) The first and second deputies in any department or either of such deputies where not exempt as above provided; (b) unskilled laborers, including drivers; (c) persons employed on the construction of public works, improvements or buildings. Any exemption thus made may be terminated at any time by resolution of the Board of Civil Service Commissioners.

This section, in so far as it affects the office of the City Treasurer, shall become effective from and after twelve o'clock noon of the sixth day of January, 1924, and not before said date; in so far as this section affects the office of the City Clerk, it shall become effective from and after twelve o'clock noon of the tenth day of June, 1925, and not before said last mentioned date; provided that the City Clerk, the City Treasurer and all employees in their respective departments, who by the terms of this section would be included in the classified civil service and who shall have served continuously in such positions for a period of one year next preceding the taking effect of this section, shall be deemed to have the necessary qualifications required by this article and shall be eligible to appointment to their respective positions without taking the examination in this Article elsewhere required.

That a new section be added to Article VI of this Charter, to be numbered 65-a, and to read as follows:

Salary of mayor.

Section 65-a. Notwithstanding any other provision of this charter, from and after the first Monday in July, 1923, at twelve o'clock noon, the Mayor shall receive \$8,000. per annum.

That a new section be added to Article VI of the Charter, to be numbered 65-b, and to read as follows.

Salary of city attorney.

Sec. 65-b. Notwithstanding any other provision of this charter, from and after the first Monday in July, 1923, at twelve o'clock noon, the City Attorney shall receive \$7,200. per annum.

That a new section be added to Article VI of the Charter, to be numbered 65-c, and to read as follows:

Salary of city auditor.

Sec. 65c. Notwithstanding any other provision of this charter, from and after the first Monday in July, 1923, at twelve o'clock noon, the City Auditor shall receive \$5,000. per annum.

STATE OF CALIFORNIA
 COUNTY OF LOS ANGELES } ss:
 CITY OF LOS ANGELES }

Certificate.

WE, THE UNDERSIGNED, GEORGE E. CRYER, Mayor of the City of Los Angeles, State of California, and ROBT. DOMINGUEZ, CITY CLERK of said city, and ex-officio clerk of the Council of said city, DO HEREBY CERTIFY:

That the foregoing proposed and ratified amendment to the charter of said City of Los Angeles, submitted to the electors of said city at a special municipal election held in

said city on the first day of May, 1923, has been compared by us and each of us, with the proposed amendments set forth in the resolution adopted by the Council, as hereinbefore stated, and that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter are, and each of them is, true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of said city of Los Angeles this 5th day of May, 1923.

GEO. E. CRYER,

Mayor of the City of Los Angeles.

ROBT. DOMINGUEZ,

City Clerk of the City of Los Angeles.

[SEAL.]

Now, therefore, be it

Resolved by the senate of the State of California, the assembly thereof concurring, a majority of all of the members elected to each house voting therefor and concurring therein, That said amendment to the charter of the city of Los Angeles as proposed to, adopted and ratified by the electors of said city as hereinbefore fully set forth, be and the same are hereby approved as a whole without amendment or alteration for and as amendments to and as a part of the charter of the city of Los Angeles.

Approval by legislature.

CHAPTER 58.

Assembly Concurrent Resolution No. 21—Relating to investigation by the legislature of the California Polytechnic School.

[Filed with Secretary of State May 17, 1923.]

WHEREAS, In the educational system of any state, provision should be made for technical and agricultural training as well as for training in the professions; and,

Investigation of California Polytechnic School.

WHEREAS, The work of the California Polytechnic School giving instruction in technical and agricultural subjects affords an opportunity for training along such lines; and,

WHEREAS, The California Polytechnic School performs a much needed and necessary function in the educational system of this state; and,

WHEREAS, There exists serious doubt as to the advisability of doing away with such school or preventing the proper advancement of the same; now, therefore, be it

Resolved by the assembly, the senate concurring, That the speaker of the assembly shall appoint three members and the president of the senate shall appoint three members who shall investigate the present status of the California Polytechnic School at San Luis Obispo, inquire into the needs of the institution mentioned, study the development of such school and the present and possible uses of the property belonging to such school and report their findings in full to the governor

and the superintendent of public instruction not later than September 1, 1924, together with their recommendation as to such modifications and improvements as will in the judgment of the committee cause the school to contribute most effectively to the educational service of the State of California; the committee shall likewise cause said report and recommendation to be submitted to each house of the legislature within five days after it shall assemble in its forty-sixth regular session; and be it further

Resolved, That the committee shall have power to employ such clerical assistants as may be necessary and to appoint a chairman and a secretary from its own members and that the expenses incurred in such investigation not exceeding the sum of five hundred dollars shall be paid equally out of the contingent funds of the senate and the assembly.

CHAPTER 59.

Assembly Constitutional Amendment No. 31—A resolution to propose to the people of the State of California an amendment to the constitution of said state by amending section twenty-three a of article twelve thereof, relating to the fixing by the railroad commission of compensation for taking public utility property in eminent domain proceedings.

[Filed with Secretary of State May 18, 1923.]

Constitutional amendment.

Resolved by the assembly, the senate concurring, That the legislature of the State of California at its regular session commencing on the eighth day of January, one thousand nine hundred twenty-three, two-thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the people of the State of California that section twenty-three a of article twelve of the constitution of this state be amended to read as follows:

Railroad commission, power in eminent domain.

Sec. 23a. The railroad commission shall have and exercise such power and jurisdiction as shall be conferred upon it by the legislature to fix the just compensation to be paid for the taking of any property of a public utility in eminent domain proceedings by the state or any county, city and county, incorporated city or town, municipal water district, irrigation district or other public corporation or district, and the right of the legislature to confer such powers upon the railroad commission is hereby declared to be plenary and to be unlimited by any provision of this constitution. All acts of the legislature heretofore adopted which are in accordance herewith are hereby confirmed and declared valid.

CHAPTER 60.

Senate Joint Resolution No. 13—Relating to immigrants or permanent residents of all aliens ineligible to citizenship.

[Filed with Secretary of State May 18, 1923.]

WHEREAS, The continued admission of undesirable immigrants into the United States under the operation of our present laws taken in connection with the vast number of non-naturalized, non-assimilated persons heretofore admitted through lax laws and lax administration of our immigration laws, constitutes a vital and growing menace to American institutions and American ideals; and

Prohibition of admission to U S of aliens ineligible to citizenship favored.

WHEREAS, Obviously, the admission as immigrants of aliens who, under our laws are ineligible to citizenship, must create in our midst communities of non-assimilables having interests and ideals of their own and offering more or less of danger to American institutions and citizenship; therefore, be it

Resolved, by the senate and assembly, jointly, That the legislature of the State of California hereby memorializes the congress of the United States to so amend the present laws as to prohibit absolutely the entrance as immigrants or permanent residents of all aliens ineligible to citizenship; and be it further

Resolved, That the secretary of the senate be and he is hereby directed to transmit copies of this resolution to the president of the senate and speaker of the house of each state legislature now in session.

CHAPTER 61.

Senate Joint Resolution No. 12—Relative to the employment of war veterans at the soldiers' home at Sawtelle.

[Filed with Secretary of State May 18, 1923.]

WHEREAS, A large number of civilians who have never served in the regular or volunteer service of the army of the United States are employed in various positions necessary to the management and conduct of the soldiers' home at Sawtelle in the State of California; and

Recommending employment of war veterans, exclusively, at soldiers' home at Sawtelle.

WHEREAS, There are available in the State of California veterans of the wars of the United States capable of properly filling such positions; now, therefore, be it

Resolved by the senate and the assembly, jointly, That we do recommend, that so far as can be done consistently with good service, all such positions at the soldiers' home at Sawtelle be filled by discharged veterans of the wars of the United States; and be it further

Resolved, That a copy of this resolution be sent to the secretary of war of the United States, to the board of commissioners of the soldiers' home, to the governor of the soldiers' home at Sawtelle and to each member of the congress of the United States from the State of California.

CHAPTER 62.

Senate Joint Resolution No. 15—Relative to industrial disputes.

[Filed with Secretary of State May 18, 1923.]

Favoring reinstatement of railroad strikers.

WHEREAS, On July 1, 1922, approximately four hundred thousand railway shopmen went on strike in the United States (for reasons which we as a legislative body neither condemn nor condone) and which strike affected and stagnated the commerce of the United States; and,

WHEREAS, On July 1, 1922, the president of the United States offered his good offices as mediator to end the industrial dispute between the shopmen and the railroad management offering terms of settlement and, it is reported, stated to the "Federated Shop Crafts" that if they would accept the same and the railroad management should refuse he would carry his position to the American people; and,

WHEREAS, The terms offered by the president of the United States were accepted by the "Federated Shop Crafts" yet refused by the railroad management which seems that his efforts were unavailing and that said strike is not ended at this time; and,

WHEREAS, Owing to the fact that the State of California is in a great measure dependent upon railroad transportation facilities and efficiency owing to the nature of its fruitgrowing industries and therefore can not permit of further losses such as those suffered during the past period of the strike; and,

WHEREAS, It is reported that the interstate commerce commission reports show a marked increase in the amount of defective railroad equipment and motive power customary at this period of the year, so much so that it appears unavoidable that stagnation of United States commerce will continue and grow worse unless the former skilled railroad employes be returned to service; now, therefore, be it

Resolved by the senate and assembly, jointly, That the legislature urgently request that the president of the United States use his offices to bring about a settlement of this industrial struggle and that each of California's senators and representatives in congress be and they are hereby urged to use their good offices in their endeavor to bring about the desired results and that the secretary of the senate be and he is hereby directed to forward copies of this resolution to the president of the United States and to each of California's senators and representatives in congress.

CHAPTER 63.

Senate Joint Resolution No. 19—Relative to proposal of an amendment to the constitution of the United States permitting the enactment of legislation regulating the minimum wage to be paid women in trade or industry.

[Filed with Secretary of State May 18, 1923.]

WHEREAS, The supreme court of the United States has decided against the constitutionality of a law regulating the minimum wage to be paid women engaged in trade or industry; and

Memorializing congress to submit a "minimum wage" amendment to U. S. constitution.

WHEREAS, The advancement of social and industrial conditions in this country demands the regulation provided by such a law; and

WHEREAS, The purpose of the industrial welfare commission act of this state, which is the bettering of the conditions of women and children engaged in trade or industry, will be in many respects nullified by such decision of the supreme court of the United States; and

WHEREAS, The validity of such a law is dependent upon an amendment to the constitution of the United States; now, therefore, be it

Resolved by the senate and assembly, jointly, That the legislature of the State of California hereby memorializes congress to propose an amendment to the constitution of the United States which will permit the states of the union to enact legislation fixing a minimum wage for women engaged in trade or industry; and be it further

Resolved, That our senators and representatives in congress be and are hereby requested to use all honorable means to secure the adoption of a measure proposing such an amendment to the constitution of the United States; and be it further

Resolved, That the secretary of the senate and the chief clerk of the assembly be and are hereby instructed to forward duly certified copies of these resolutions to each of our senators and representatives in congress and to the president of the United States.

CHAPTER 64.

Senate Concurrent Resolution No. 22—Approving amendment to the charter of the county of Los Angeles, State of California.

[Filed with Secretary of State May 18, 1923.]

WHEREAS, The county of Los Angeles, State of California, has, at all times herein mentioned, been and now is a body politic and corporate, and is now and has been, since the second day of June, 1913, organized and acting under and by virtue of a charter, adopted under and by virtue of section seven and one-half of article eleven of the constitution of the

Los Angeles county charter amendment.

Los Angeles
county
charter
amendment.

State of California, which charter was duly ratified by the qualified electors of said county at an election held for that purpose on the fifth day of October, 1912, and approved by the legislature of the State of California on the twenty-ninth day of January, 1913; and,

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of an amendment to said charter set out in the certificate of the chairman of the board of supervisors and the county and ex officio clerk of the board of supervisors of the county of Los Angeles, do wit:

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES, } ss:

CERTIFICATE OF COUNTY CLERK OF THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND CHAIRMAN OF THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS TO THE ADOPTION AND RATIFICATION OF A CERTAIN AMENDMENT TO THE CHARTER OF SAID COUNTY OF LOS ANGELES, SUBMITTED TO THE QUALIFIED ELECTORS OF THE SAID COUNTY OF LOS ANGELES ON THE 7th DAY OF NOVEMBER, 1922.

PREAMBLE.

BE IT KNOWN THAT:

WHEREAS, the County of Los Angeles, State of California, has at all times mentioned herein been and now is a body politic of the State of California, and is now and has been, since the 2nd day of June, 1913, organized and acting under and by virtue of a charter adopted under and by virtue of Section seven and one-half of Article eleven of the Constitution of the State of California, which charter was duly ratified by the qualified electors of the said County at an election held for that purpose on the 5th day of October, 1912, and approved by the legislature of the State of California on the 29th day of January, 1913; and,

WHEREAS, on the 25th day of September, 1922, the Board of Supervisors of said County of Los Angeles, pursuant to the provisions of Section seven and one-half of Article eleven of the Constitution of said State, duly proposed to the qualified electors of the said county a certain amendment to the charter of the said county by the submission of a proposal for such amendment to said electors at the general election held on November 7, 1922, and at the same time said Board duly ordered said proposal to be submitted to the qualified electors of said county for ratification or rejection at said general election, and further duly ordered that said proposal should be forthwith published ten times in the Los Angeles Daily Journal, a newspaper of general circulation printed and published and circulated in said county, and in said proposal said proposed amendment was set forth in full and at length and was and is in the words and figures hereinafter set forth; and,

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WHEREAS, thereafter the said proposal was duly published in full and at length in said newspaper for ten times; and,

WHEREAS, immediately subsequent to said publication the said Board of Supervisors duly prescribed the form and title to be printed on the general election ballot to be used at said general election for the submission of said proposal, which said form and title are hereinafter set forth and in which said form and under which said title said proposal and title appeared on said ballot; and,

WHEREAS, subsequent to said publication and at least twenty-five days prior to November 7, 1922, the County Clerk of said County duly filed in his office a notice of election in which, among other things, and in addition to all other matters required by law, it was stated that said proposal would be submitted to the qualified electors of said county at said general election of November 7, 1922, and said clerk caused a copy of said notice to be posted in a prominent place in his office and on said notice said proposal appeared in the form and by the title prescribed by the Board of Supervisors, and in the form and by the title which said proposal appeared upon said ballot; and,

WHEREAS, at said general election said proposal was duly submitted to the vote of the qualified electors of said county and appeared on the general ballot at said election in the following form, to-wit:

“PROPOSED COUNTY CHARTER AMENDMENT NO. 2.

“Shall the charter of Los Angeles County be amended by amending Section 17 thereof to read as follows:	
“Sec. 17: In each township there shall be as many justices of the peace as are or may hereafter be provided by general law and one constable, together with such clerks, deputy constables and other officers as may be authorized by the legislature or by the board of supervisors; provided, however, that if the legislature shall hereafter substitute some other system of inferior courts for and in place of the system of courts of justices of the peace now established, then upon the establishment of such inferior courts the office of constable in each township shall cease to exist.”	<p>Yes.</p> <hr/> <p>No.</p>

WHEREAS, the returns of said general election held in the County of Los Angeles on the 7th day of November, 1922, at which election said proposal was duly submitted to the vote of the qualified electors of said county was made to and canvassed by the Board of Supervisors of the County of Los Angeles, and it appeared therefrom and was so declared by the Board of Supervisors that the majority of votes cast was in favor of said proposed amendment and said Board of Super-

visors thereupon ordered and declared that said proposed amendment was ratified; and,

WHEREAS, said amendment so ratified by the electors of the said County of Los Angeles at said general election held on November 7, 1922, is now submitted to the legislature of the State of California for approval or rejection, as a whole, without power of alteration or amendment, in accordance with the provisions of Section seven and one-half of Article eleven of the Constitution of the State of California;

NOW, THEREFORE, the undersigned, R. F. McClellan, Chairman of the Board of Supervisors of the County of Los Angeles, State of California, and L. E. Lampton, County Clerk and ex-officio clerk of the Board of Supervisors of Los Angeles County, State of California, authenticating their signatures with the official seal of said Board of Supervisors of Los Angeles County, do hereby certify that said amendment to said charter of said county, so ratified by the majority of the electors voting thereon at said general election, held on the 7th day of November, 1922, is in words and figures as follows, to-wit:

Township
officers.

“Sec. 17: In each township there shall be as many justices of the peace as are or may hereafter be provided by general law and one constable, together with such clerks, deputy constables and other officers as may be authorized by the legislature or by the Board of Supervisors; provided, however, that if the legislature shall hereafter substitute some other system of inferior courts for and in place of the system of courts of justices of the peace now established, then upon the establishment of such inferior courts the office of constable in each township shall cease to exist.”

Certificate.

We further hereby certify that the facts set forth in the preamble of this certificate preceding said amendment to said charter are, and each of them is, true and for and on behalf of said County of Los Angeles, we, being duly authorized, do hereby require the legislature of the State of California to approve said amendment to said charter as a whole, and to take such other and further steps and proceedings as may be necessary to perfect such approval.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the official seal of said Board of Supervisors of the County of Los Angeles, State of California, this 12th day of April, 1923.

R. F. McCLELLAN,
Chairman of the Board of Supervisors of the
County of Los Angeles, State of California.

[SEAL]
ATTEST:

L. E. LAMPTON,
County Clerk and ex-officio
Clerk of the Board of Super-
visors of the County of Los
Angeles, State of California.

WHEREAS, Said proposed amendment to the charter of the county of Los Angeles has been submitted to the legislature of the State of California for approval or ratification as a whole, without power of alteration or amendment in accordance with the provisions of section seven and one-half of article eleven of the constitution of the State of California; now, therefore, be it

Approval by
legislature.

Resolved, by the senate of the State of California, the assembly concurring, a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein, That said amendment to the charter of Los Angeles county as proposed, adopted and ratified by the electors of the said county of Los Angeles, and as hereinbefore set forth, be, and the same is hereby approved as a whole without amendment or alteration and as an amendment to and as a part of the charter of the county of Los Angeles.

CHAPTER 65.

Senate Concurrent Resolution No. 24—Approving amendments to the charter of the city of Pasadena, a municipal corporation of the State of California, situated in the county of Los Angeles, voted for and ratified by the qualified electors of said city at the general municipal election held therein on the fifth day of April, one thousand nine hundred twenty-three.

[Filed with Secretary of State May 18, 1923.]

WHEREAS, Proceedings have been had and taken for the proposal, adoption and ratification of certain amendments hereinafter set forth to the charter of the city of Pasadena, a municipal corporation in the county of Los Angeles, State of California, as set out in the certificate of the chairman of the board of directors and city clerk of the said city of Pasadena, as follows, to wit:

Pasadena
city charter
amendments.

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF PASADENA OF CERTAIN CHARTER AMENDMENTS.

State of California
County of Los Angeles } ss.
City of Pasadena

We, the undersigned Hiram W. Wadsworth, Chairman of the Board of Directors of the City of Pasadena, State of California, and Bessie Chamberlain, City Clerk of said City, do hereby certify and declare as follows:

Certificate.

That the City of Pasadena, a municipal corporation of the County of Los Angeles, State of California, now is and at all times herein mentioned was a City containing a population of more than 3500 inhabitants, and has been ever since the 24th day of January, 1901, and now is organized, existing and acting under a freholder's charter adopted under and by

virtue of Section 8 of Article XI of the Constitution of the State of California.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, on its own motion, the Board of Directors of the City of Pasadena, being the legislative body thereof, duly submitted to the qualified electors of the said City of Pasadena, certain proposals for the amendment of the Charter of said City to be voted upon by said qualified electors at the general municipal election held in said City on the 5th day of April, 1923, which said proposals were and each of them was in words and figures as follows, to-wit:

Proposed Amendment to Article 1, Section 3, Subdivision Twenty-fifth:

Joint undertakings with other cities, etc.

Twenty-fifth. Jointly with one or more other municipal or public corporations to acquire and administer water, water rights and works for utilizing the same, public utilities, parks and works for the disposition of garbage, sewage, storm water or refuse matter, and to that end to incur bonded indebtedness and to provide by contract with such other municipal or public corporations for the manner of financing such acquisition and operation. Such contract may provide for the contributions to be made by each party thereto, and for the division and apportionment of the expense of acquisition of such properties and operation, and the division and apportionment of the benefits, service and produce therefrom, and may provide for an agency to effect such acquisition and carry on such operation, and for the powers and methods of the procedure for such agency including the method by which such agency may contract, which method shall not be limited to or controlled by the provisions of Article X of this Charter. Such contract may contain such other and further stipulations and provisions as may be necessary or convenient to accomplish the purpose hereof.

The term "public corporation" as used in this subdivision shall be deemed to mean and include the United States or any public agency thereof, or this or any state or any political district or subdivision thereof.

This grant shall be liberally construed.

Proposed Amendment to Article 1, Section 3, by adding thereto a new subdivision to be known as Twenty-sixth:

General powers.

Twenty-sixth: To make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this charter; provided, however, that nothing herein shall be construed to prevent or restrict the city from exercising or consenting to, and the city is hereby authorized to exercise, any and all rights, powers and privileges heretofore or hereafter granted or prescribed by general laws of the state.

Proposed Amendment to Article IX, Section 5:

Section 5. Except as otherwise herein or by ordinance of the City provided, the general law or laws of the State of California now in force, or which may hereafter be adopted by the Legislature of this State, providing for the laying out, opening, extending, widening, straightening, or closing up, in whole or in part, of any street, square, lane, alley, court or place within municipalities, for condemning and acquiring any and all land and property necessary or convenient for such purposes, for the paving, curbing, guttering, sidewalking and other improvement of streets, squares, lanes, alleys, courts or places, for the construction of sewer, water, storm water or other mains, ditches, pipes or conduits for wires for street lighting, police and fire signaling and communication of similar nature, and for the transmission or distribution of electrical energy for domestic, commercial and power purposes, for the planting, maintenance or care of shade trees or shrubbery upon or along streets, lanes, alleys, courts, rights of way and places within municipalities, and for the eradication of weeds and removal of rubbish within municipalities, and for the levying and collection of assessments upon property for the doing of said work or carrying out of said purposes, and for the issue of improvement bonds to represent such assessment, are hereby made a part of this Charter, provided, however, that the legislative body of the City shall have power at any time by ordinance to provide substitute or alternate systems and procedures for the accomplishment of any or all of such work, and the carrying out of such purposes, and to abandon and readopt such systems and procedures. Any such system or procedure may provide for competitive bidding on any such work, or on the contract for any such purpose, in which bidding the City is hereby authorized to participate, or may provide for the performance of any or all such work or the carrying out of any or all such purposes by the City without competitive bidding, using services, labor and material furnished by the City. Any such system or procedure may also provide for the assessment of the amount of the successful bid with incidental expenses, or in the event that the work shall be done by the City without competitive bidding, the amount of the cost and expenses thereof, upon property fronting on the street wherein such work shall be done, or in the district benefited by such work, and for the issuance and enforcement of bonds representing such assessments and constituting liens upon lands so assessed prior to all other liens except state, county and municipal taxes, and prior assessment liens. Such bonds shall be payable in substantially equal annual installments extending over a period not exceeding ten (10) years bearing interest at a rate not exceeding seven (7) per cent per annum, payable semi-annually. In any such system or procedure providing for the doing of any such work without competitive bidding, provision shall be made for the

Street
Improvement
work and
bond issues
therefor.

Street
improvement
work and
bond issues
therefor.

filing in the office of the City Clerk of a certificate showing in detail the items of cost and expense and for the publication of a summary thereof and for an opportunity on the part of assessed persons to appeal from the assessment and acts of officers in connection therewith to the legislative body of the City. In any such procedure or system provision may be made for the exemption from assessment of public property used in the exercise of any public function and for the levying of the total assessment upon other property fronting on the street wherein such work shall be done, or in the district declared to be benefited by such work, regardless of such exempted property, or for the payment by the City of any assessment levied against such public property, and may also provide for the payment by the City of any amount or proportion of the cost of such work or the limitation of the assessment to be levied therefor and the payment of any balance by the City. Any ordinance adopted by the City providing a procedure or system for the construction either by contractor or by the City of public works or street improvements under any local assessment plan, may provide appropriate procedure for re-assessment according to benefits in the event that the legislative body of the City or any court of competent jurisdiction shall determine any assessment levied thereunder or any bond issued representing such assessment to be void or unenforceable for want of sufficient authority for its issuance, or for irregularities or illegalities in any proceeding.

The City shall have power to bid in response to advertisements inviting proposals for the construction of any public works or street improvement within or partly within and partly without the City under any and all street improvement statutes and ordinances now existing or which may hereafter be adopted; to enter into contracts with the Superintendent of Streets of the City in accordance with the provisions of any and all such statutes and ordinances; to do all things necessary and convenient to be done in carrying out such contracts; to sue for the recovery of moneys due on assessments levied in proceedings wherein the City has so contracted, and to take and enforce the collection of and to foreclose bonds creating liens upon land to secure payment of such assessments, and to sell and dispose of such bonds at public or private sale for such amounts as shall be approved by the legislative body of the City. When acting as such contractor, the City shall not be required to furnish or file any certified check or bidder's bond or bond to secure claims of laborers or materialmen, or to secure the faithful performance of any contract.

The City may incur bonded debt for the purpose of providing a revolving fund to be used for financing the construction of public works and street improvements under any procedure authorized in this section.

Proposed Amendment to Article X, Section 1:

Section 1. The City of Pasadena shall not be, and is not bound by any contract except as hereinafter provided unless the same shall be made in writing by order of the Board of Directors and signed by the City Manager or some other officer in behalf of the City thereunto authorized by the Board of Directors. The approval of the form of all contracts by the City Attorney shall be endorsed thereon before the execution thereof. The Board of Directors may authorize any officer of the City, (a) to bind the City without advertising, contracts in writing, or previous approval by the Board of Directors of each specific item, for the payment for supplies, labor or other valuable considerations furnished to the City, in amounts not exceeding \$100 in any one contract, and (b) by order duly adopted by vote of five members of the Board of Directors may authorize the City Manager to bind the City without advertising, contracts in writing or previous action by the Board of Directors on each specific item, for the payment for supplies, labor or other valuable consideration to be furnished to the City, in amounts not exceeding \$2500 in any one contract, and (c) by such order so adopted may authorize the City Manager and the Chairman of the Board of Directors by their joint action to so bind the City for such purposes in amounts not exceeding \$5000 in any one contract, and (d) by order duly adopted, may authorize the City Manager to contract for the sale of salvaged, junked, scrapped or other personal property of similar nature belonging to the City in amounts not exceeding \$500 in market value, and to execute bills of sale therefor in the name and on behalf of the City.

City
contracts.

The respective managers or superintendents of the public utilities operated by the City may contract for the sale of utilities or utility service by the City upon general forms approved by the City Manager and City Attorney and at rates fixed by the Board of Directors.

The restrictions and provisions of this section shall not apply to labor or services rendered by any person in the employ of the City at salary or wages fixed by ordinance."

That each said proposed amendment was on the 23rd day of February, 1923, published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, in the Pasadena Evening Post, a daily newspaper of general circulation published in the said City of Pasadena, and the official newspaper of said City.

Certificate
(cont'd)

That copies of said proposed amendments were printed in convenient pamphlet form, and until the date fixed for the election hereinafter described, and as required by law, an advertisement was published in said Pasadena Evening Post, that such copies could be had upon application therefor at the office of the City Clerk of the City of Pasadena.

That such copies could be had upon application therefor at the office of said City Clerk until the date fixed for the election hereinafter described.

That in accordance with the provisions of the Charter of the said City of Pasadena and an ordinance of the legislative body thereof, there was held in the said City of Pasadena, on the 5th day of April, 1923, a general municipal election, and that pursuant to ordinance the said proposed Charter Amendments, and each of them, were severally submitted to the qualified electors of said City for their ratification at said election, and that at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify each of the said proposed amendments to the Charter of the said City hereinabove set out.

That the results of said election were duly and regularly canvassed and certified to, and it was duly found, determined and declared by the proper officers of said City that a majority of the qualified electors of said City voting thereon had voted for and ratified each of said proposed amendments.

That we have compared the foregoing amendments with the original proposals submitting the same to the electors of said City, and find that the foregoing is a full, true, correct and exact copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the said City of Pasadena to be affixed hereto this 30 day of April, 1923.

HIRAM W. WADSWORTH,
Chairman of the Board of Directors
of the City of Pasadena.

BESSIE CHAMBERLAIN,
Clerk of the City of Pasadena.

[SEAL]

Approval by
legislature.

AND WHEREAS, the said proposed amendments so ratified as hereinbefore set forth have been and are now duly presented and submitted to the legislature of the State of California for approval or rejection as a whole without power of alteration, in accordance with section eight of article eleven of the constitution of the State of California; now, therefore, be it

Resolved by the senate of the State of California, the assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, that said amendments to the charter of the city of Pasadena as proposed to, and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of the said city of Pasadena.

CHAPTER 66.

Senate Constitutional Amendment No. 15—A resolution to propose to the people of the State of California an amendment to the constitution of said state by amending section nine of article eleven thereof, relating to the compensation of city, county, town or municipal officers.

[Filed with Secretary of State May 18, 1923.]

Resolved by the senate, the assembly concurring, That the legislature of the State of California, at its forty-fifth regular session commencing on the eighth day of January, one thousand nine hundred twenty-three, two-thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the people of the State of California that section nine of article eleven of the constitution of this state be amended to read as follows:

Constitutional amendment.

Sec. 9. The compensation of any city, county, town or municipal officer shall not be increased after his election or during his term of office; *provided, however,* that the legislature may provide by general laws that such additional deputies or assistants as may be necessary and proper be allowed to the principal in any county office during his term and that the legislature may also provide that the compensation of such deputy or assistant be increased during the term of office of such principal. The term of any such officer shall not be extended beyond the period for which he is elected or appointed.

Compensation of officers and deputies.

CHAPTER 67.

Senate Concurrent Resolution No. 27—Relative to the establishment of the Huntington foundation at San Marino, Los Angeles County, California, by Mr. Henry E. Huntington.

[Filed with Secretary of State May 18, 1923.]

WHEREAS, The establishment of the Huntington Foundation at San Marino, Los Angeles county, California, by Mr. Henry E. Huntington for the educational, artistic and cultural benefit of the people of the State of California and the United States is recognized as one of the most outstanding endowments of the century, and

Expression of appreciation of the Huntington Foundation at San Marino.

WHEREAS, The Huntington Foundation, munificently endowed by its creator with ample properties and funds to insure its perpetual maintenance and extension, includes the renowned Huntington library, acknowledged to be the most complete and valuable assembling of literature known to the world and containing the rarest of editions and prints; a collection of paintings by masters which rivals the great galleries of Europe; the Huntington home, an edifice that in majesty of beauty and availability as a permanent art gallery would, alone, be a most notable gift, and a botanical garden of more than five hundred acres of surrounding land planted

with a collection of trees and plants from all parts of the world and classed among the most noted and complete in existence; and

WHEREAS, This benefaction is, in its extent and educational and artistic value to the American people, one of the greatest gifts of an individual to a state or nation known in all history; and

WHEREAS, Through the Huntington Foundation, the people of California and the United States are afforded access to literary sources and an opportunity to study and enjoy the greatest works of art, and to use the extensive botanical gardens provided with unlimited facilities for the experimental research and study of every form of vegetation, all of which could not be enjoyed save by journeying to distant lands where even the same resources could not be found to the same extent and perfection; and

WHEREAS, The State of California is thus provided with artistic, literary and botanical facilities that are equal to the best and highest provided in the cultural centers of the world; therefore, be it

Resolved by the senate, the assembly concurring, That the California legislature, at its forty-fifth session, hereby commends this gift of Mr. Henry E. Huntington to the people of the State of California and the United States, and commends the donor as a benefactor who is deserved well of his state and his nation; and be it further

Resolved, That the secretary of the senate be and he is hereby directed to forward an engrossed copy of this resolution to Mr. Henry E. Huntington as a testimonial of the appreciation and gratitude of the people of the State of California.

CHAPTER 68.

Assembly Constitutional Amendment No. 30—A resolution to propose to the people of the State of California that the constitution of said state be amended by adding to article thirteen thereof a new section, to be numbered twelve and one-half, relative to revenue and taxation.

[Filed with Secretary of State May 18, 1923.]

Constitutional
amendment.

Resolved by the assembly, the senate concurring, That the legislature of the State of California at its forty-fifth regular session, beginning on the eighth day of January, one thousand nine hundred twenty-three, two-thirds of all the members elected to each of the houses of said legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California that a new section be added to article thirteen of the constitution of the State of California to be known and designated as section twelve and one-half of article thirteen of the constitution of the State of California and to read as follows:

Sec. 12 $\frac{1}{2}$. The legislature, subject to section one of article four shall have power to provide for the assessment, levy and collection of taxes upon all notes, debentures, shares of capital stock, bonds, solvent credits or mortgages, not exempt from taxation under the provisions of this constitution, in a manner, at a rate or rates or in proportion to value different from any other property in this state subject to taxation; taxes imposed by any act of the legislature adopted pursuant to the powers hereby conferred shall be in lieu of all other property taxes, state, county, municipal or district, upon such property. The legislature shall provide for an equitable distribution of such taxes to the county, municipality or district in which such property is taxed; *provided*, that the rate or rates of taxation of such securities, and penalties, shall not exceed those assessed or imposed upon other property in this state not exempt from taxation, and that when the same shall have been fixed by the legislature, they shall not be altered except by vote of two-thirds of all the members elected to each of the two houses voting in favor thereof.

Nothing in this act shall be construed to apply to any property the taxation of which is provided for in section fourteen of this article nor to authorize the assessment or taxation of any property now exempt from taxation under this constitution.

CHAPTER 69.

Assembly Joint Resolution No. 2—Relative to building a bridge between San Francisco and Marin counties.

[Filed with Secretary of State May 18, 1923.]

WHEREAS, The people have in contemplation the constructing of a bridge from the city and county of San Francisco to the county of Marin, in the State of California, to span the Bay of San Francisco near the Golden Gate.

Resolved by the assembly and the senate, jointly, That such project is looked upon as of vast interest to the present needs and future development of the state and that such undertaking is approved and should be encouraged. That the secretary of war be requested to grant such privileges in the matter as may be required, and to render such assistance as may be compatible with the public service.

That the clerk is directed to transmit this resolution by wire to the secretary of war.

Tax on
stocks,
bonds and
mortgages.

Requesting
secretary
of war to
expedite
construction
of bridge
across San
Francisco
bay.

CHAPTER 70.

Senate Constitutional Amendment No. 23—A resolution proposing to the people of the State of California an amendment to sections twenty-three and twenty-three a of article four of the constitution of the State of California, relating to compensation of members of the legislature.

[Filed with Secretary of State May 19, 1923.]

Constitutional amendment.

Resolved by the senate, the assembly concurring, That the legislature of the State of California at its regular session commencing on the eighth day of January, one thousand nine hundred twenty-three, two-thirds of all the members elected to each of the two houses of said legislature voting therefor hereby proposes to the people of the State of California that the constitution of said state be amended by amending section twenty-three of article four to read as follows:

Compensation of members.

Sec. 23. The members of the legislature shall receive for their services the sum of one hundred dollars each for each month of the term for which they are elected, to be paid monthly in the even numbered years and to be paid during the regular legislative session in the odd numbered years at such times as may be provided by law and mileage to be fixed by law, all paid out of the state treasury, such mileage not to exceed five cents per mile.

Officers, employees, and attaches.

Sec. 23a. The legislature may provide for additional help; but in no case shall the total expense for officers, employees and attaches exceed the sum of three hundred dollars per day for either house, at any regular or biennial session, nor the sum of two hundred dollars per day for both houses at any special or extraordinary session, nor shall the pay of any officer, employee or attache be increased after he is elected or appointed. The legislature shall provide for the selection of all officers, employees and attaches of both houses and so far as advisable shall require such selection to be under the provisions of the law governing civil service.

CHAPTER 71.

Assembly Constitutional Amendment No. 51—A resolution to propose to the people of the State of California to amend section fourteen of article thirteen of the constitution, relative to taxation.

[Filed with Secretary of State May 19, 1923.]

Constitutional amendment.

Resolved by the assembly, the senate concurring, That the legislature of the State of California, at its forty-fifth regular session, commencing on the eighth day of January, one thousand nine hundred twenty-three, two-thirds of the members elected to each of the two houses of said legislature voting therefor, hereby proposes to the people of the State of California that section fourteen of article thirteen of the constitution of this state be amended to read as follows:

SEC. 14. Taxes levied, assessed and collected as hereinafter provided upon railroads, and street railways, whether operated in one or more counties; sleeping car, dining car, drawingroom car and palace car companies, refrigerator, oil, stock, fruit, and other car-loaning and other car companies operating upon railroads in this state; companies doing express business on any railroad, steamboat, vessel or stage line in this state; telegraph companies; telephone companies; companies engaged in the transmission or sale of gas or electricity; insurance companies; banks, banking associations, savings and loan societies, and trust companies; and taxes upon all franchises of every kind and nature, shall be entirely and exclusively for state purposes, and shall be levied, assessed and collected in the manner hereinafter provided. The word "companies" as used in this section shall include persons, partnerships, joint stock associations, companies, and corporations.

Taxes for
state
purposes.

(a) All railroad companies, and street railways, whether operated in one or more counties; all sleeping car, dining car, drawingroom car, and palace car companies, all refrigerator, oil, stock, fruit and other car-loaning and other car companies, operating upon the railroads in this state; all companies doing express business on any railroad, steamboat, vessel or stage line in this state; all telegraph and telephone companies; and all companies engaged in the transmission or sale of gas or electricity shall annually pay to the state a tax upon their franchises, roadways, roadbeds, rails, rolling stock, poles, wires, pipes, canals, conduits, rights of way, and other property, or any part thereof used exclusively in the operation of their business in this state, computed as follows: Said tax shall be equal to the percentages hereinafter fixed upon the gross receipts from operation of such companies, and each thereof within this state. When such companies are operating partly within and partly without this state, the gross receipts within this state shall be deemed to be all receipts on business beginning and ending within this state, and a proportion, based upon the proportion of the mileage within this state to the entire mileage over which such business is done, of receipts on all business passing through, into, or out of this state.

Taxes on
public utility
companies.

The percentages above mentioned shall be as follows: On all railroad companies, seven per cent; on all street railways, herein defined to include interurban electric railways and gasoline propelled railways, five and one-quarter per cent; on all sleeping car, dining car, drawingroom car, palace car companies, refrigerator, oil, stock, fruit, and other car-loaning and other car companies, five and one-quarter per cent; on all companies doing express business on any railroad, steamboat, vessel or stage line, one per cent; on all telegraph and telephone companies, five and one-half per cent; on all companies engaged in the transmission or sale of gas or electricity, seven and one-half per cent. Such taxes shall be in lieu of all other taxes and licenses, state, county and municipal, upon the property above enumerated of such companies except as otherwise in this section provided: *provided*, that nothing

herein shall be construed to release any such company from the payment of any amount agreed to be paid or required by law to be paid for any special privilege or franchise granted by any of the municipal authorities of this state.

Taxes on
insurance
companies.

(b) Every insurance company or association, except county fire insurance companies organized under and by virtue of an act entitled "An act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, and all acts amendatory thereof, doing business in this state shall annually pay to the state a tax of two and sixty hundredths per cent upon the amount of the gross premiums received upon its business done in this state, less return premiums and reinsurance in companies or associations authorized to do business in this state; provided, that there shall be deducted from said two and sixty hundredths per cent upon the gross premiums the amount of any county and municipal taxes paid by such companies on real estate owned by them in this state. This tax shall be in lieu of all other taxes and licenses, state, county and municipal, upon the property of such companies, except county and municipal taxes on real estate, and except as otherwise in this section provided; *provided*, that when by the laws of any other state or country, any taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions, are imposed on insurance companies of this state, doing business in such other state or country, or upon their agents therein, in excess of such taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions, imposed upon insurance companies of such other state or country, so long as such laws continue in force, the same obligations and prohibitions of whatsoever kind may be imposed by the legislature upon insurance companies of such other state or country doing business in this state.

Taxes on
bank stock:

(c) The shares of capital stock of all banks, organized under the laws of this state, or of the United States, or of any other state and located in this state, shall be assessed and taxed to the owners or holders thereof by the state board of equalization, in the manner to be prescribed by law, in the city or town where the bank is located and not elsewhere. There shall be levied and assessed upon such shares of capital stock an annual tax, payable to the state, of one and forty-five hundredths per centum upon the value thereof. The value of each share of stock in each bank, except such as are in liquidation, shall be taken to be the amount paid in thereon, together with its pro rata of the accumulated surplus and undivided profits. The value of each share of stock in each bank which is in liquidation shall be taken to be its pro rata of the actual assets of such bank. This tax shall be in lieu of all other taxes and licenses, state, county and municipal, upon such shares of stock and upon the property of such banks, except county and municipal taxes on real estate and except as otherwise in this section provided. In determining the value of the capital stock of any bank there shall be

deducted from the value, as defined above, the value, as assessed for county taxes, of any real estate, other than mortgage interests therein, owned by such bank and taxed for county purposes. The banks shall be liable to the state for this tax and the same shall be paid to the state by them on behalf of the stockholders in the manner and at the time prescribed by law, and they shall have a lien upon the shares of stock and upon any dividends declared thereon to secure the amount so paid.

The moneyed capital, reserve, surplus, undivided profits and all other property belonging to unincorporated banks or bankers of this state, or held by any bank located in this state which has no shares of capital stock, or employed in this state by any branches, agencies, or other representatives of any banks doing business outside of the State of California, shall be likewise assessed and taxed to such banks or bankers by the said board of equalization, in the manner to be provided by law and taxed at the same rate that is levied upon the shares of capital stock of incorporated banks, as provided in the first paragraph of this subdivision. The value of said property shall be determined by taking the entire property invested in such business, together with all the reserve, surplus, and undivided profits, at their full cash value, and deducting therefrom the value as assessed for county taxes of any real estate, other than mortgage interests therein, owned by such bank and taxed for county purposes. Such taxes shall be in lieu of all other taxes and licenses, state, county and municipal, upon the property of the banks and bankers, mentioned in this paragraph, except county and municipal taxes on real estate and except as otherwise in this section provided. It is the intention of this paragraph that all moneyed capital and property of the banks and bankers mentioned in this paragraph shall be assessed and taxed at the same rate as an incorporated bank, provided for in the first paragraph of this subdivision. In determining the value of the moneyed capital and property of the banks and bankers mentioned in this subdivision, the said state board of equalization shall include and assess to such banks all property and everything of value owned or held by them, which go to make up the value of the capital stock of such banks and bankers, if the same were incorporated and had shares of capital stock.

Taxes on unincorporated banks.

The word "banks" as used in this subdivision shall include banking association, savings and loan societies and trust companies, but shall not include building and loan associations.

(d) All franchises, other than those expressly provided for in this section, shall be assessed at their actual cash value, in the manner to be provided by law, and shall be taxed at the rate of one and six-tenths per centum each year, and the taxes collected thereon shall be exclusively for the benefit of the state.

Taxes on franchises.

(e) Out of the revenues from the taxes provided for in this section, together with all other state revenues, there shall be first set apart the moneys to be applied by the state to the

School and university funds.

support of the public school system and the state university. In the event that the above named revenues are at any time deemed insufficient to meet the annual expenditures of the state, including the above named expenditures for educational purposes, there may be levied, in the manner to be provided by law, a tax, for state purposes, on all the property in the state including the classes of property enumerated in this section, sufficient to meet the deficiency. All property enumerated in subdivisions *a*, *b*, and *d* of this section shall be subject to taxation, in the manner provided by law, to pay the principal and interest of any bonded indebtedness created and outstanding by any city, county, township or district, before the adoption of this section. The taxes so paid for principal and interest on such bonded indebtedness shall be deducted from the total amount paid in taxes for state purposes.

Provisions self-executing, etc.

(*f*) All the provisions of this section shall be self-executing, and the legislature shall pass all laws necessary to carry this section into effect, and shall provide for a valuation and assessment of the property enumerated in this section, and shall prescribe the duties of the state board of equalization and any other officers in connection with the administration thereof. The rates of taxation fixed in this section shall remain in force until changed by the legislature, two-thirds of all the members elected to each of the two houses voting in favor thereof. The taxes herein provided for shall become a lien on the first Monday in March of each year after the adoption of this section and shall become due and payable on the first Monday in July thereafter. The gross receipts and gross premiums herein mentioned shall be computed for the year ending the thirty-first day of December prior to the levy of such taxes and the value of any property mentioned herein shall be fixed as of the first Monday in March. Nothing herein contained shall affect any tax levied or assessed prior to the adoption of this section; and all laws in relation to such taxes in force at the time of the adoption of this section shall remain in force until changed by the legislature. The state shall reimburse any and all counties which sustain loss of revenue by the withdrawal of property from county taxation for the net loss in county revenue occasioned by the withdrawal of such property from county taxation. The legislature shall provide for reimbursement from the general funds of any county to districts therein where loss is occasioned in such districts by the withdrawal from local taxation of property taxed for state purposes only.

Suits to recover or enjoin tax.

(*g*) No injunction shall ever issue in any suit, action or proceeding in any court against this state or against any officer thereof to prevent or enjoin the collection of any tax levied under the provisions of this section; but after payment action may be maintained to recover any tax illegally collected in such manner and at such time as may now or hereafter be provided by law.

CHAPTER 72.

Senate Joint Resolution No. 14—Relating to persons whose parents are ineligible to citizenship.

[Filed with Secretary of State May 19, 1923.]

WHEREAS, Large numbers of persons ineligible to citizenship permanently settle in California, and

WHEREAS, All persons born in the United States and subject to the jurisdiction thereof are citizens of the United States and may own land, enjoy the elective franchise and all of the rights of citizenship, and

WHEREAS, Such ineligible aliens and their children are non-assimilable and establish and live in separate communities, and

WHEREAS, Through the citizenship of the children, such ineligible aliens obtain the full enjoyment and beneficial use of lands; be it

Resolved, That the State of California, through its legislature, hereby memorializes the congress to propose an amendment to the constitution of the United States, withholding citizenship from all persons whose parents are ineligible to citizenship; be it further

Resolved, That the secretary of the senate be and he is hereby directed to transmit copies of these resolutions to the President of the United States, to the secretary of state of the United States and to each of the members of the senate and the house of representatives.

Memorial to congress to submit an amendment to U. S. constitution limiting citizenship by birth.

CHAPTER 73.

Senate Joint Resolution No. 17—Relative to the increase of armament.

[Filed with Secretary of State May 19, 1923.]

WHEREAS, Our long and comparatively unprotected coast line renders this nation vulnerable to attack by hostile naval and air forces; and,

WHEREAS, The progress of the United States has failed to keep pace with that of certain other nations in the development and efficiency of aircraft defense; now, therefore, be it

Resolved, That the senate and assembly of the State of California, jointly, memorialize congress to enact legislation which shall result in such increase in the size, efficiency and armament of the aircraft forces of the United States as will afford adequate protection for the nation; and also be it

Resolved, That our senators and representatives in congress be and they are hereby urged by the legislature of the State of California to use all honorable means to secure the enactment of laws which will insure such increases in our aircraft service; and be it further

Memorial to congress to provide for increase in aircraft service.

Resolved, That the secretary of the senate be and he is hereby directed to forward copies of these resolutions to the president of the senate of the United States, to the speaker of the house of representatives, and to each of California's senators and representatives in congress.

CHAPTER 74.

Senate Constitutional Amendment No. 25—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California, by amending sections one, five, eleven, twelve, fourteen, eighteen, twenty-three and twenty-four of article six thereof, relating to the judicial department, and providing for the establishment of municipal courts.

[Filed with Secretary of State May 21, 1923.]

Constitutional amendment

The legislature of the State of California, at its regular session commencing on the eighth day of January, one thousand nine hundred twenty-three, two-thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby propose that sections one, five, eleven, twelve, fourteen, eighteen, twenty-three and twenty-four of article six of the constitution of the State of California be amended to read as follows:

Judicial powers.

Section 1. The judicial power of the state shall be vested in the senate, sitting as a court of impeachment, in a supreme court, district courts of appeal, superior courts, such municipal courts as may be established in any city or city and county, and such inferior courts as the legislature may establish in any incorporated city or town, township, county or city and county.

Superior courts, original jurisdiction.

Sec. 5. The superior courts shall have original jurisdiction in all cases in equity and in all cases at law, which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases, except as hereinafter provided, in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars, and in all criminal cases amounting to a felony, and in all cases of misdemeanor not otherwise provided for; of actions for forcible or unlawful entry or detainer, except as otherwise provided in this article; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate; of divorce and for annulment of marriage; and of all such special cases and proceedings as are not otherwise provided for; and said courts shall have the power of naturalization, and to issue papers therefor.

Appellate jurisdiction.

The superior courts shall have appellate jurisdiction in such cases arising in municipal and other inferior courts in their respective counties or cities and counties as may be prescribed by law. The legislature may, in addition to any other appellate jurisdiction of the superior courts, also provides for

the establishment of appellate departments of the superior court in any county or city and county wherein any municipal court is established, and for the constitution, regulation, jurisdiction, government and procedure of such appellate departments, and for the hearing and determination by district courts of appeal of causes in which judgment has been rendered by the superior court or an appellate department thereof; *provided, however*, that the appellate jurisdiction of appellate departments of the superior court and of district courts of appeal shall not extend to the hearing and determination of actions at law in which the demand, exclusive of interest, is less than three hundred dollars, nor to actions of forcible or unlawful entry or detainer when the rental value is twenty-five dollars or less per month, and in which the whole amount of damages claimed is two hundred dollars or less. Superior courts and municipal courts shall always be open, legal holidays and non-judicial days excepted. The process of superior courts shall extend to all parts of the state; *provided*, that all actions for the recovery of the possession of, quieting the title to, or for the enforcement of liens upon real estate, shall be commenced in the county in which the real estate, or any part thereof, affected by such action or actions, is situated. Said superior courts, and their judges, shall have power to issue writs of mandamus, certiorari, prohibition, quo warranto, and habeas corpus on petition by or on behalf of any person in actual custody, in their respective counties. Injunctions and writs of prohibition may be issued and served on legal holidays and non-judicial days. The process of any municipal court shall extend to all parts of the county or city and county in which the city is situated where such court is established, and to such other parts of the state as may be provided by law, and such process may be executed or enforced in such manner as the legislature shall provide.

Sec. 11. In any city and county and in any city which is governed under a charter framed and adopted under the authority of this constitution containing a population of more than forty thousand inhabitants, as ascertained by the last preceding census taken under the authority of the congress of the United States, a municipal court may be established as in this article provided, anything in this constitution to the contrary notwithstanding. For each such municipal court at least one judge shall be elected by the qualified electors of the city or city and county at the general municipal election, and such additional judges as shall be determined by the legislature. In any city, or city and county, in which there shall be more than one judge of a municipal court, the judges of such court may hold as many sessions of such court at the same time as there are judges thereof, and the business thereof shall be apportioned among the judges thereof in the manner prescribed by law. Municipal courts shall have original jurisdiction, except as hereinafter provided, in all cases

Municipal
courts
authorized.

at law in which the demand, exclusive of interest, or the value of the property in controversy, amounts to one thousand dollars or less, and of actions of forcible or unlawful entry or detainer where the rental value is one hundred dollars or less per month, and where the whole amount of damages claimed is one thousand dollars or less, and in cases to enforce and foreclose liens on personal property where the amount of such liens or the value of the property is one thousand dollars or less, and in all criminal cases amounting to misdemeanor punishable by fine and imprisonment in the city or city and county or county jail, or punishable by fine or such imprisonment. The legislature may, however, provide for the establishment of courts inferior to municipal courts in cities and cities and counties where municipal courts are established; *provided, however*, that the jurisdiction of such inferior courts shall not extend to cases in which the claim or demand is more than fifty dollars.

Justices of
the peace
provided for

The legislature shall determine the number of each of the inferior courts in incorporated towns, and in townships or counties, or in incorporated cities or cities and counties, where there is no municipal court, according to the population thereof, and the number of judges or justices thereof, and shall fix by law the powers, jurisdiction, duties and responsibilities of each of such inferior courts and of the judges or justices thereof, and until such inferior courts are otherwise so determined and provided for, such inferior courts now existing shall, until otherwise provided by law, continue in all respects as established at the time of the adoption of this amendment; *provided*, that the powers of such inferior courts shall not in any case trench upon the jurisdiction of the several courts of record, except that the legislature shall provide that said courts shall have concurrent jurisdiction with the superior courts in cases of forcible or unlawful entry or detainer, when the rental value does not exceed seventy-five dollars per month, and where the whole amount of damages claimed does not exceed three hundred dollars, and in cases to enforce and foreclose liens on personal property when neither the amount of liens nor the value of the property amounts to three hundred dollars.

Legislative
provision for
municipal
courts.

The legislature shall provide by general law for the constitution, regulation, government and procedure of municipal courts, and for the jurisdiction thereof except in the particulars otherwise specified in this section, and for the establishment of municipal courts in cities or cities and counties governed under charters framed and adopted under the authority of this constitution, and having the population hereinbefore in this section specified. Upon the taking effect of such general law, a municipal court may be established in any such city or city and county whenever the charter thereof or amendment to such charter shall provide that there shall be a municipal court therein, or whenever the assent of a majority of the qualified electors of such city or city and county voting

upon the question of the establishment of such municipal court, and expressed in such manner and form as the legislature shall by general law prescribe, is given to the establishment thereof. The manner in which, the time at which, the term for which the judges, clerks and other attaches of municipal courts shall be elected or appointed, the number and qualifications of said judges and of the clerks and other attaches, except as such matters are otherwise provided in this article, shall be prescribed by the legislature. The compensation of the justices or judges of all courts of record, shall be fixed and the payment thereof prescribed by the legislature.

In any city or in any city and county where such municipal court has been established, and in townships situated in whole or in part in such city or city and county, there shall be no other court inferior to the superior court except as herein provided; and pending actions, trials, and all pending business of inferior courts within such city or city and county or township, upon the establishment of any such municipal court, shall unless otherwise provided by law be transferred to and become pending in such municipal court, and all records of such inferior courts be transferred to and thereafter be and become records of such municipal court.

Exclusive jurisdiction of municipal courts.

Upon the establishment of any such municipal court, and until the first election and the qualification of the judge or judges thereof and the first appointment and the qualification of the clerks and other attaches thereof, the judges or justices and the clerks and other attaches of any existing inferior courts in such city or city and county or township shall become and act as the judges, clerks and attaches respectively of such municipal court. Whenever any city having a municipal court is formed into a consolidated city and county with the combined powers of a city and county, under proceedings therefor as elsewhere in this constitution provided, such municipal court shall thereupon and thereby be and become the municipal court of such city and county, and the provisions of this article applicable to municipal courts in cities shall be applicable to the municipal court of such city and county.

Temporary judges.

Consolidation of city and county.

Sec. 12. The supreme court, the district courts of appeal, the superior courts, the municipal courts, and such other courts as the legislature shall prescribe, shall be courts of record.

Courts of record.

Sec. 14. The county clerks shall be ex officio clerks of the courts of record, other than municipal courts, in and for their respective counties or cities and counties. The legislature may also provide for the appointment, by the several superior courts, of one or more commissioners in their respective counties, or cities and counties, with authority to perform chamber business of the judges of the superior courts, to take depositions, and to perform such other business connected with the administration of justice as may be prescribed by law.

Clerks of courts and court commissioners.

Sec. 18. The justices of the supreme court, and of the district courts of appeal, and the judges of the superior courts

Justices and judges eligible to other offices.

and of the municipal courts shall be ineligible to any other office or public employment than a judicial office or employment during the term for which they shall have been elected or appointed, and no justice or judge of a court of record shall practice law in any court of the state during his continuance in office.

Eligibility
of justices
and judges.

Sec. 23. No person shall be eligible to the office of a justice of the supreme court, or of a district court of appeal, or of a judge of a superior court, or of a municipal court, unless he shall have been admitted to practice before the supreme court of the state for a period of at least five years immediately preceding his election or appointment to such office.

Condition
precedent to
draft of
salary.

Sec. 24. No justice of the supreme court nor of a district court of appeal, nor any judge of a superior court nor of a municipal court shall draw or receive any monthly salary unless he shall make and subscribe an affidavit before an officer entitled to administer oaths, that no cause in his court remains pending and undetermined that has been submitted for decision for a period of ninety days. In the determination of causes all decisions of the supreme court and of the district courts of appeal shall be given in writing, and the grounds of the decision shall be stated.

CHAPTER 75.

Assembly Constitutional Amendment No. 47—A resolution to propose to the people of the State of California an amendment to section twelve of article thirteen of the constitution, relative to a poll tax.

[Filed with Secretary of State May 21, 1923.]

Constitutional
amendment.

Resolved by the assembly, the senate concurring, That the legislature of the State of California at its forty-fifth regular session commencing on the eighth day of January, one thousand nine hundred twenty-three, two-thirds of all the members elected to each of the two houses of said legislature voting therefor, hereby proposes to the people of the State of California that section twelve of article thirteen of the constitution of this state be amended to read as follows:

Educational
poll tax.

Sec. 12. The legislature shall provide for the levy and collection of an annual educational poll tax of not less than five dollars on every male inhabitant of this state over twenty-one and under fifty years of age, except persons holding an honorable discharge or discharged under honorable circumstances from the army, navy or marine corps of the United States, persons who pay a real or personal property tax amounting to at least five dollars per annum, paupers, idiots, insane persons and imbeciles. Said tax shall be paid into the state school fund.

CHAPTER 76.

Assembly Constitutional Amendment No. 49—A resolution to propose to the people of the State of California an amendment to section one and three-fourths of article thirteen of the constitution relating to the exemption of state and municipal bonds from taxation.

[Filed with Secretary of State May 21, 1923.]

Resolved by the assembly, the senate concurring, That the legislature of the State of California at its forty-fifth regular session commencing on the eighth day of January, one thousand nine hundred twenty-three, two-thirds of the members elected to each of the two houses of the said legislature voting therefor, hereby proposes to the people of the State of California that section one and three-fourths of article thirteen of the constitution of this state be amended to read as follows:

SEC. 1 $\frac{3}{4}$. All bonds hereafter issued by the State of California, or by any county, city and county, municipal corporation or district, including school, reclamation, irrigation, and public utility districts, within this state, shall be free and exempt from taxation.

CHAPTER 77.

Assembly Constitutional Amendment No. 52—A resolution to propose to the people of the State of California an amendment to the constitution of said state by amending section one of article thirteen of the constitution relating to tax exemption.

[Filed with Secretary of State May 21, 1923.]

Resolved by the assembly, the senate concurring, That the legislature of the State of California at its forty-fifth regular session, commencing on the eighth day of January, one thousand nine hundred twenty-three, two-thirds of all the members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California, that section one of article thirteen of the constitution of this state be amended to read as follows:

SECTION 1. All property in the state except as otherwise in this constitution provided, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law, or as hereinafter provided. The word "property," as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership; *provided*, that a mortgage, deed of trust, contract, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money represented by such debt, shall not be considered property subject to taxation;

and further provided, that property used for free public libraries and free museums, growing crops, property used exclusively for public schools, and such as may belong to the United States, this state, or to any county, city and county, or municipal corporation within this state shall be exempt from taxation, except such lands and the improvements thereon located outside of the county, city and county, or municipal corporation owning the same as were subject to taxation at the time of the acquisition of the same by said county, city and county, or municipal corporation; provided, that no improvements of any character whatever constructed by any county, city and county or municipal corporation shall be subject to taxation; provided, that property, not exceeding in value in any one county the sum of \$50,000.00 (fifty thousand dollars), used exclusively as air-ports or aviation fields under the control of United States government shall be exempt from taxation while so used and under such control. All lands or improvements thereon, belonging to any county, city and county, or municipal corporation, not exempt from taxation, shall be assessed by the assessor of the county, city and county, or municipal corporation in which said lands or improvements are located, and said assessment shall be subject to review, equalization and adjustment by the state board of equalization. The legislature may provide, except in the case of credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of this state.

CHAPTER 78.

Assembly Constitutional Amendment No. 57—A resolution to propose to the people of the State of California an amendment to the constitution by adding a new section to article thirteen thereof, to be numbered section nine a, relative to taxation.

[Filed with Secretary of State May 21, 1923.]

Constitutional amendment.

Resolved by the assembly, the senate concurring, That the legislature of the State of California at its forty-fifth regular session, commencing on the eighth day of January, one thousand nine hundred twenty-three, two-thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the people of the State of California that a new section be added to article thirteen, to be numbered section nine a, and to read as follows:

Personal property tax rate.

SEC. 9a. The taxes levied upon personal property for any current tax year where the same is not secured by real estate shall be based upon the tax rate levied upon real property for the preceding tax year. Nothing in this section shall be construed to prohibit the equalization each year of the assessment on personal property in the manner now or hereafter provided by law.

CHAPTER 79.

Assembly Joint Resolution No. 13—Relative to the indorsement of H. R. 13298 and senate bill 4142; to amend the war risk insurance and the vocational rehabilitation act so as to include disabled veterans, of all the wars of the United States, and their dependents.

[Filed with Secretary of State May 21, 1923.]

WHEREAS, There is now pending before the congress of the United States a bill known as H. R. 13298 and S. 4142, which bills have the same object; namely to amend the war risk insurance act and the vocational rehabilitation act in order to include as beneficiaries of said act in all its several provisions, all disabled veterans of all wars of the United States of America, and their dependents; and

Approval of bills amending war risk insurance and vocational rehabilitation acts.

WHEREAS, This amendment is one which in due justice and consideration to all veterans of all the wars of the United States should be added to the said acts; now, therefore, be it

Resolved, by the assembly and the senate, jointly. That the legislature of the State of California at its forty-fifth session urges upon the congress of the United States the adoption of such bills and the justice and fairness attendant upon the enactment of the same; and be it further

Resolved, That a copy of this joint resolution be sent, by the chief clerk of the assembly, to the president of the United States and to each member of the congress of the United States from the State of California.

CHAPTER 80.

Assembly Joint Resolution No. 10—Relating to protection of forests from fire.

[Filed with Secretary of State May 21, 1923.]

WHEREAS, The government of the United States by legislative enactment has withdrawn from public entry and settlement one hundred fifty-six million six hundred sixty-six thousand, forty-five acres of land in the states of California, Oregon, Washington, Idaho, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah and Nevada, for the purpose of creating national forests; and

Memorial to congress for construction of highways through national forests.

WHEREAS, There is now standing on this land nearly five hundred billion feet board measure of merchantable timber; and

WHEREAS, Nineteen million, one hundred seventy-two thousand, nine hundred eighty-two acres of our national forests are within the confines of the State of California, upon which acreage it is estimated by Honorable William B. Greeley, United States forester, that there is now standing over one hundred six billion, three hundred twenty-eight million, five hundred thousand board feet of timber; and

WHEREAS, Over five billion board feet of merchantable timber within our national forests has been destroyed by forest fires during the past five years; and

WHEREAS, Over eighteen million acres of national forest lands were by forest fires burned over during the summers of 1918 and 1919; and

WHEREAS, In many instances these national forest fires have spread over large tracts of privately owned timber destroying large tracts of virgin forests and thereby causing tremendous losses to the owners of the land; and

WHEREAS, The government of the United States has withdrawn this land from entry and pays no taxes on same, leaving the whole burden of taxation, including all pioneer work, upon the people of the several counties of this state, some of which counties are as high as eighty-four per cent national forest; and

WHEREAS, The timber in our national forests is worth at three dollars per thousand stumpage approximately one billion, five hundred million dollars which pays no tax whatever, while many of our counties are bonded to the constitutional limit for highway purposes, much of the money having been used for the construction of highways adjacent to or through national forests; and

WHEREAS, There is no way known to man whereby these forests may be saved from destruction by fire except in the construction of permanent commercial highways through and adjacent to our national forests so that the ripe timber may be moved to market and so that fire fighters may be taken quickly to the blaze after it has been discovered; now, therefore, be it

Resolved by the assembly and senate jointly, That the congress of the United States be and the same is hereby memorialized, to provide by appropriation of funds from our national treasury the necessary funds with which to construct a system of highways through and adjacent to our national forests commensurate with their need of protection against destruction by fire; and be it further

Resolved, That the chief clerk of the assembly be and he is hereby authorized and directed to transmit a copy of this memorial to the president of the United States senate, the speaker of the house of representatives of the United States of America, to each United States senator and representative in congress from California, to the secretary of agriculture and to Hon. William B. Greeley, chief forester of the United States forest service.

CHAPTER 81.

Assembly Joint Resolution No. 27—Relative to federal taxes.

[Filed with Secretary of State May 21, 1923.]

WHEREAS, The federal revenue act of 1921 provides that "from and after January 1, 1922, the taxes on telegraph and telephone messages is as follows: (a) On each telegraph, telephone, cable or radio dispatch message or conversation, originating in the United States, of more than fourteen cents, and not more than fifty cents, a tax of five cents. If the charge is more than fifty cents, tax ten cents; only one payment of such tax is required"; and

Memorial to congress to repeal tax on telegraph and telephone messages.

WHEREAS, The federal tax on railroad fares has been repealed; and

WHEREAS, Such important matters as communication by telephone and telegraph should not be hampered or taxed except under necessity of national financial stress; and

WHEREAS, The war conditions are over and the nation, again prosperous, is dependent more than ever upon unhampered and unburdened means of communication; now, therefore, be it

Resolved by the assembly and the senate, jointly, That it is the consensus of opinion of this legislature that congress should repeal the revenue statutes so far as the same relate to taxes on such messages; and be it further

Resolved, That our senators and representatives in congress from the State of California be requested to use all honorable means to secure the action desired in this matter for the purposes aforesaid; and be it further

Resolved, That a copy of these resolutions be forwarded by the chief clerk of the assembly to the president and vice president of the United States, to the members of the cabinet and to each of the senators and representatives in congress from the State of California.

CHAPTER 82.

Assembly Concurrent Resolution No. 23—Relative to an investigation by the surveyor general of the prevalence of oil upon the beaches along the coast of California.

[Filed with Secretary of State May 21, 1923.]

WHEREAS, The beaches along the coast of California are among the most desirable pleasure places in the state and furnish a means of recreation to a great many people; and

Surveyor general to investigate causes of presence of oil on beaches.

WHEREAS, There is at the present time a great prevalence of crude oil and petroleum in the waters along such beaches which is washed up on and scattered along the beaches themselves making them undesirable for pleasure purposes and preventing their use and enjoyment; and

WHEREAS, The value and desirability of maintaining such beaches in a condition in which they may be used for pleasure

purposes by the people of the state is a matter of concern to the entire state and has already been recognized by the legislature by a provision of the act of 1921 reserving minerals in state lands which prohibits the leasing of tidelands in front of an incorporated city and for a mile on either side for the purpose of drilling for oil; now, therefore, be it

Resolved by the assembly, the senate concurring, That the surveyor general of this state be and hereby is authorized and directed to make a complete survey and investigation of such situation and to determine the causes for the presence of such crude oil or petroleum on the beaches and to arrive, if possible, at a method for preventing the same; and be it further

Resolved, That the surveyor general shall make a full and complete report of his findings with all data so obtained to the governor of this state together with any plans and suggestions he may deem expedient.

CHAPTER 83.

Assembly Concurrent Resolution No. 24—Relative to leaves of absence of the governor, lieutenant governor and the members of the senate and assembly of the forty-fifth session of the legislature of the State of California.

[Filed with Secretary of State May 21, 1923.]

Resolved by the assembly, the senate concurring, That leave of absence from the State of California for a longer period than sixty days, during their term of office, is hereby granted to his excellency, Friend Wm. Richardson, governor of the State of California; to C. C. Young, lieutenant governor of the State of California; and to the following members of the senate and assembly of the forty-fifth session of the legislature of the State of California:

Senators Newton M. Allen, F. A. Arbuckle, Frank S. Boggs, Arthur H. Breed, Lester G. Burnett, Victor J. Canepa, Frank M. Carr, Harry A. Chamberlin, John Creighton, John J. Crowley, Lewis L. Dennett, Walter Eden, Dr. W. F. Gates, Eghert J. Gates, Charles W. Godsil, P. J. Gray, Fred C. Handy, M. B. Harris, Dwight H. Hart, Ralph L. Hughes, Edgar S. Hurley, Thomas Ingram, J. M. Inman, A. Burlingame Johnson, M. B. Johnson, Herbert C. Jones, Charles H. V. Lewis, Charles W. Lyon, Walter A. McDonald, Daniel C. Murphy, H. C. Nelson, Dr. A. E. Osborne, F. J. Powers, Joseph A. Rominger, Benjamin F. Rush, Ed. P. Sample, Will R. Sharkey, Herbert W. Slater, Ralph E. Swing, T. C. West.

Assemblymen Frank W. Anderson, John B. Badaracco, William E. Badham, C. C. Baker, Edwin Baker, C. D. Ball, Van Bernard, Elmer P. Bromley, Esto B. Broughton, Joseph F. Burns, Thomas M. Carlson, Henry B. Carter, E. H. Christian, Geo. A. Clarke, Chas. W. Cleary, George C. Cleveland, P. Connolly, Frank L. Coombs, B. S. Crittenden, J. Croter,

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governor,
lieutenant
governor,
and
legislators.

George H. Davis, Charles B. Dawson, Geo. A. Dean, Emmett I. Donohue, Grace S. Dorris, Earnest Dozier, Walter H. Duval, Frank L. Eksward, Otto J. Emme, Louis F. Erb, Roy Fellom, Chas. A. Foster, Chris B. Fox, Lucien Fulwider, Sidney T. Graves, Fred C. Hawes, S. L. Heisinger, Wm. B. Hornblower, Frank Johnson, John W. Johnston, Isaac Jones, Chester M. Kline, R. M. Lyman, Jr., Harry Lyons, A. J. Mathews, Herbert McDowell, Alex McMillan, Robt. B. McPherson, Frank F. Merriam, Miss Eleanor Miller, Allen G. Mitchell, Thomas A. Mitchell, Fred J. Moore, Clarence W. Morris, Harry F. Morrison, Edwin A. Mueller, Fred B. Noyes, Joseph L. Pedrotti, Hugh R. Pomeroy, J. J. Prendergast, Chas. F. Reindollar, Frederick M. Roberts, Walter J. Rock, Albert A. Rosenshine, Mrs. Anna L. Saylor, Walter J. Schmidt, Wm. Seward Scott, Edward J. Smith, Bert Snyder, C. C. Spalding, Homer R. Spence, F. G. Stevenot, Edgar W. Stow, Frank C. Weller, Percy G. West, P. A. Whitacre, David C. Williams, Mrs. Cora Woodbridge, T. M. Wright.

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